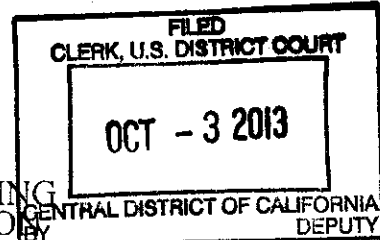


COPY

1 Dawn M. Knepper, CA Bar No. 208862
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3 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
Park Tower, Suite 1500
4 695 Town Center Drive
Costa Mesa, CA 92626
5 Telephone: 714.800.7900
Facsimile: 714.754.1298



6 Attorneys for Defendant SSC TARZANA OPERATING
7 COMPANY LP d/b/a TARZANA REHABILITATION
CENTER

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11

12 ELVIAR ANTENOR, an individual,
13 Plaintiff,

14 vs.

15 SSC TARZANA OPERATING
16 COMPANY LP d/b/a SAVA SENIOR
CARE, TARZANA
17 REHABILITATION CENTER, a
Delaware Corporation; and DOES 1
18 through 100, inclusive,
19 Defendants.
20

Case No.

CV13-7336DMG(SH)

**DEFENDANT'S NOTICE OF
REMOVAL**

Complaint Filed: July 19, 2013
Trial Date: None Set

1 **TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL**
 2 **DISTRICT OF CALIFORNIA, AND TO PLAINTIFF AND HER COUNSEL**
 3 **OF RECORD:**

4 **PLEASE TAKE NOTICE THAT**, pursuant to 28 U.S.C. §§ 1441 and 1446,
 5 Defendant SSC TARZANA OPERATING COMPANY LP, incorrectly named as
 6 SSC TARZANA OPERATING COMPANY LP d/b/a SAVA SENIOR CARE,
 7 TARZANA REHABILITATION CENTER (“Defendant”) hereby removes the
 8 above-entitled action from the Superior Court of the State of California for the
 9 County of Los Angeles, to the United States District Court for the Central District of
 10 California and in furtherance of this removal asserts:

11 1. On or about July 19, 2013, Plaintiff Elviar Antenor (“Plaintiff”), filed a
 12 Civil Complaint (the “Complaint”) in the Superior Court of the State of California,
 13 County of Los Angeles, entitled Elviar Antenor vs. SSC Tarzana Operating
 14 Company LP d/b/a Sava Senior Care, Tarzana Rehabilitation Center, Case No.
 15 BC515789. True and correct copies of the (a) Summons, (b) Complaint, (c) Civil
 16 Case Cover Sheet, (d) Civil Case Cover Sheet Addendum, (e) Minute Order re
 17 Plaintiff’s Peremptory Challenge and Reassignment, (f) ADR information, (g)
 18 Plaintiff’s Notice of Change of Address or Other Contact information, and (h)
 19 Peremptory Challenge by Defendant SSC Tarzana Operating Company d/b/a
 20 Tarzana Rehabilitation Center Pursuant to Civil Procedure Section 170.6;
 21 Declaration of John Migliarini in Support are attached hereto as Exhibit “A.”

22 2. Defendant received the Summons and Complaint on August 13, 2013.
 23 Service was complete on September 3, 2013, when Defendant completed and served
 24 the Notice and Acknowledgement of Receipt – Civil, pursuant to Section 415.3 of
 25 the California Code of Civil Procedure. A true and correct copy of the Notice and
 26 Acknowledgment of Receipt is attached hereto as Exhibit “B.”

27 3. The Complaint asserts claims for the following causes of actions: (1)
 28 Disability Discrimination in Violation of Government Code § 12940 *et seq.* (FEHA);

1 (2) Retaliation in Violation of Government Code § 12940 *et seq.* (FEHA); (3) Failure
 2 to Accommodate in Violation of Government Code § 12940 *et seq.* (FEHA); (4)
 3 Failure to Engage in the Interactive Process in Violation of Government Code
 4 § 12940 (FEHA); (5) Failure to Prevent Discrimination in Violation of Government
 5 Code § 12940 *et seq.* (FEHA); (6) Wrongful Termination in Violation of
 6 Government Code § 12940 *et seq.* (FEHA); (7) Wrongful Termination in Violation
 7 of Public Policy; (8) Negligent Retention; (9) Failure to Provide Leave in Violation
 8 of the California Family Rights Act (“CFRA”) and Family Medical Leave Act
 9 (“FMLA”); (10) Failure to Allow Employee Meal and Rest Breaks in Violation of
 10 Labor Code §§ 226.7 and 512; (11) Failure to Pay Overtime Compensation in
 11 Violation of Labor Code § 1194; (12) Failure to Pay Earned Wages in Violation of
 12 Labor Code §§ 204, 206, 210, 218.5, and 218.6; (13) Waiting Time Penalties; and (14)
 13 Unfair Competition Pursuant to Business and Professions Code § 17200, *et seq.*

14 4. Defendant timely filed an Answer to the Complaint in Los Angeles
 15 County Superior Court on October 2, 2013. A copy of the Answer is attached hereto
 16 as Exhibit “C.” Other than the foregoing pleadings, Defendant is unaware of there
 17 being any other documents on file with the Los Angeles County Superior Court in
 18 this action.

19 5. This Notice of Removal is timely filed within 30 days of service of the
 20 Summons and Complaint upon Defendant.

21 6. Venue is Proper. The Superior Court of California, Los Angeles
 22 County, is located within the Central District of California, Western Division.
 23 Therefore, venue for the purposes of removal is proper pursuant to 28 U.S.C. § 84(a)
 24 because the Central District of California, Western Division, is the “district and
 25 division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

26 7. This Court has Jurisdiction. Pursuant to 28 U.S.C. § 1331 and 28
 27 U.S.C. § 1441(c), this Court has jurisdiction over this action on the basis of federal
 28

1 question jurisdiction. This Court also has supplemental jurisdiction over Plaintiff's
2 state law claims pursuant to 28 U.S.C. § 1367.

3 **I. JURISDICTION EXISTS UNDER 28 U.S.C. § 1331, 28 U.S.C. § 1441(c),**
4 **and 28 U.S.C. § 1367(A).**

5 8. The instant case is a civil action over which this Court has original
6 jurisdiction under the provisions of 28 U.S.C. § 1331, and is one that may be
7 removed by Defendant pursuant to 28 U.S.C. § 1441(c).

8 9. Plaintiff's ninth cause of action against Defendant is made under the
9 Family Medical Leave Act, 29 U.S.C. § 2601 *et seq.* ("FMLA"), a federal statute,
10 and alleges that Defendant interfered with Plaintiff's ability to take FMLA leave and
11 violated her rights under FMLA pursuant to 29 C.F.R. 825 *et seq.* Thus, this claim
12 arises "under the Constitution, laws, or treaties of the United States," 28 U.S.C.
13 § 1331, and is a claim "of which the district courts of the United States have original
14 jurisdiction." 28 U.S.C. 1441(c).

15 10. Plaintiff's other causes of action against Defendant are made under
16 California state law, and are based on the same facts as Plaintiff's FMLA claim.

17 11. Pursuant to 28 U.S.C. § 1441(c), whenever a claim or cause of action is
18 brought under a federal law for which this Court has original jurisdiction, and is
19 joined with one or more otherwise non-removable claims or causes of action, the
20 entire case may be removed.

21 12. Additionally, pursuant to 28 U.S.C. § 1367(a), this Court has
22 supplemental jurisdiction over Plaintiff's state law claims because those claims arise
23 from the "same case or controversy" as Plaintiff's FMLA claim. *See also, Emich v.*
24 *Touche Ross & Co.*, 846 F.2d 1190, 1196 (9th Cir. 1988) ("The doctrine of pendent
25 jurisdiction [i.e. supplemental jurisdiction], in turn, permits the district court to
26 adjudicate factually related state claims in cases raising federal questions, whenever
27 the federal law claims and state law claims derive from a common nucleus of
28 operative fact.") (internal citations omitted).

1 **II. REQUIREMENTS OF 28 U.S.C. § 1446 ARE FULFILLED**

2 13. As required by 28 U.S.C. 1446(a), this Notice contains a copy of all
3 process, pleadings, and orders served upon Defendant in this action.

4 14. As required by 28 U.S.C. §1446(b), this Notice is filed within 30 days
5 after any defendant in this matter was first served with a copy of the Summons and
6 Complaint.

7 15. As required by 28 U.S.C. §1446(d), Defendant will give notice of this
8 removal to Plaintiff through her attorneys of record, and a copy of this Notice will be
9 filed with the Superior Court of the State of California in and for the County of Los
10 Angeles.

11 16. In the event this Court has a question regarding the propriety of this
12 Notice of Removal, Defendant requests that it issue an Order to Show Cause so that
13 it may have an opportunity to more fully brief the basis for this removal.

14 Accordingly, Defendant removes the above-entitled action to this Court.

15
16 DATED: October 3, 2013

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

17
18
19 By: 

Dawn M. Knepper
John P. Migliarini

20
21 Attorneys for Defendant,
22 SSC TARZANA OPERATING
23 COMPANY LP d/b/a TARZANA
24 REHABILITATION CENTER
25
26
27
28

EXHIBIT A

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: SSC TARZANA OPERATING COMPANY LP d/b/a
(AVISO AL DEMANDADO): SAVA SENIOR CARE, TARZANA
REHABILITATION CENTER, a Delaware Corporation; and DOES 1 through 100,
inclusive

YOU ARE BEING SUED BY PLAINTIFF: ELVIAR ANTENOR, an individual
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

FOR COURT/USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUL 19 2013

John A. Clarke, Executive Officer/Clerk

By LA TRESE JOHNSON, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información en la continuación.**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court of California, County of Los Angeles
111 North Hill Street
Los Angeles, California 90012

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: Joseph M. Lovretovich, Ellen E. Cohen, Tiffany Lee
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

JML Law, APLC

5941 Variel Avenue, Woodland Hills, CA 91367

DATE: JUL 19 2013
(Fecha)

John A. Clarke

Clerk, by
(Secretario)

L. Johnson 818-610-8800

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

JUL 19 2013

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):

Page 1 of 1

Ab/23
91356

JML LAW
A PROFESSIONAL LAW CORPORATION
5941 VARIEL AVENUE
WOODLAND HILLS, CALIFORNIA 91367

Tel: (818) 610-8800.

Fax: (818) 610-3030

JOSEPH M. LOVRETOVICH, STATE BAR NO. 73403
ELLEN E. COHEN, STATE BAR NO. 258131
TIFFANY LEE, STATE BAR NO. 281110

Attorneys for Plaintiff: ELVIAR ANTENOR

FILED
LOS ANGELES SUPERIOR COURT

JUL 19 2013

JOHN A. CLARKE, CLERK
BY L. JOHNSON, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

ELVIAR ANTENOR, an individual,
Plaintiff,

vs.

SSC TARZANA OPERATING
COMPANY LP d/b/a SAVA SENIOR
CARE, TARZANA REHABILITATION
CENTER, a Delaware Corporation; and
DOES 1 through 100, inclusive,
Defendants.

Case No.: **BC515789**

COMPLAINT FOR:

1. DISABILITY DISCRIMINATION IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ. (FEHA);
2. RETALIATION IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ. (FEHA);
3. FAILURE TO ACCOMMODATE IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ. (FEHA);
4. FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ. (FEHA);
5. FAILURE TO PREVENT DISCRIMINATION IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ. (FEHA);

D12 Barbara A. Nader

CHECK: \$435.00
CASH: \$0.00
CHANGE: \$0.00
COPD: \$0.00

RECEIPT #: CM439933086
DATE PAID: 07/19/13 03:00 PM
AMOUNT: \$435.00
RECEIVED: 310

COMPLAINT

Exhibit A

Page 8

Law Offices of Joseph M. Lovretovich
5941 Variel Avenue
Woodland Hills, CA 91367
(818) 610-8800

07/19/2013

Law Offices of Joseph M. Lovretovich
5941 Varie Avenue
Woodland Hills, CA 91367
(818) 610-8800

6. WRONGFUL TERMINATION IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ. (FEHA); AND
7. WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY.
8. NEGLIGENT RETENTION;
9. FAILURE TO PROVIDE LEAVE IN VIOLATION OF THE CALIFORNIA FAMILY RIGHTS ACT ("CFRA") AND FAMILY MEDICAL LEAVE ACT ("FMLA");
10. FAILURE TO ALLOW EMPLOYEE MEAL AND REST BREAKS IN VIOLATION OF LABOR CODE §§ 226.7 AND 512;
11. FAILURE TO PAY OVERTIME COMPENSATION IN VIOLATION OF LABOR CODE § 1194;
12. FAILURE TO PAY EARNED WAGES IN VIOLATION OF LABOR CODE §§ 204; 206; 210; 218.5; AND 218.6;
13. WAITING TIME PENALTIES; AND
14. UNFAIR COMPETITION PURSUANT TO BUSINESS AND PROFESSIONS CODE §17200, ET SEQ.

DEMAND FOR JURY TRIAL

Plaintiff ELVIAR ANTENOR hereby brings her complaint against the above-named Defendants and states and alleges as follows:

PRELIMINARY ALLEGATIONS

1. At all times mentioned herein, and at the time each of Plaintiff's causes of action arose, Plaintiff ELVIAR ANTENOR (hereinafter "Plaintiff") was an individual, residing in the State of California, County of Los Angeles, and at all relevant times was employed by Defendant SSC TARZANA OPERATING COMPANY LP d/b/a SAVA SENIOR CARE, TARZANA REHABILITATION CENTER (hereinafter "Defendant SAVA") in the State of California, County of Los Angeles.

2. Plaintiff is informed, believes, and based thereon alleges that Defendant SAVA is a Delaware corporation employing more than five-hundred (500) people; was at all times mentioned in this Complaint duly licensed to do business; and was and is doing business, under and by virtue of the laws of the State of California, County of Los Angeles.

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3. Plaintiff is unaware of the true names and capacities of Defendants sued herein as Does 1 through 100, inclusive, and for that reason sues said Defendants by such fictitious names. Plaintiff will file and serve an amendment to this Complaint alleging the true names and capacities of said fictitiously named Defendants if and when Plaintiff knows such true names and capacities.

4. Plaintiff is informed, believes, and based thereon alleges that each of the fictitiously named Defendants is responsible in some manner for, and proximately caused, the harm and damages alleged herein.

5. Plaintiff is informed, believes, and based thereon alleges that each of the Defendants named herein acted as the employee, agent, spouse, partner, alter-ego and/or joint venture of each of the other Defendants named herein and, in doing the acts and in carrying out the wrongful conduct alleged herein, each of said Defendants acted within the scope of said relationship and with the permission, consent and ratification of each of the other Defendants named herein.

6. Hereinafter in this Complaint, unless otherwise specified, reference to a Defendant or Defendants shall refer to all Defendants, and each of them.

FACTUAL SUMMARY

7. In or around 1983, Plaintiff commenced employment with Defendant SAVA as a Licensed Vocational Nurse ("LVN"). At all times during her employment, Plaintiff performed her job duties in a satisfactory and professional manner, as evidenced by her consistent salary increases and the numerous awards she received from Defendant SAVA for superior work performance, such as Employee of the Year for 1987 and Employee of the Month on at least three separate occasions.

8. Throughout Plaintiff's employment, Defendant SAVA regularly understaffed the nursing department. As a result, Plaintiff and her colleagues consistently struggled to fulfill their daily work responsibilities in accordance with LVN professional standards and regulations within the typical eight (8) hour shift.

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2013/07/28

9. On average, Plaintiff was responsible for the well-being and care of approximately thirty-three (33) to thirty-five (35) patients. Meeting all of her patients' daily needs often required more time than was available in an eight (8) hour shift. For example, with some frequency, near the end of Plaintiff's shift a patient would suddenly necessitate care that could not be provided by another nurse at that time. Consequently, Plaintiff frequently had to work overtime in order to responsibly provide her patients with the critical care they required.

10. In addition to her responsibilities as an employee of Defendant SAVA, Plaintiff was also required to meet the standards of the LVN profession. As a result, failure to sufficiently address her patients' needs as they arose and to carefully complete documentation related to the patients care could result in Plaintiff having her LVN license revoked. Therefore, it would be detrimental to Plaintiff's patients and professional standing to disregard aspects of her job duties in order to immediately "clock out" at the end of her eight (8) hour shift.

11. As a result, Plaintiff regularly had to work approximately forty (40) minutes to one (1) hour of overtime on an average of three (3) days a week. Thus, Plaintiff worked approximately four (4) to six (6) overtime hours during each two (2) week pay cycle.

12. Although Defendant SAVA knew that the LVNs patient responsibilities and professional standards made it exceedingly difficult to immediately "clock out" at the end of an eight (8) hour shift, Defendant SAVA prohibited LVNs, including Plaintiff, from reporting any overtime worked on their timesheets or receiving overtime compensation unless given special advanced permission by Defendant SAVA's administrators. Plaintiff is informed, believes, and based thereon alleges that when LVNs reported the overtime hours that they had worked, they were verbally reprimanded by Defendant SAVA's administrators and/or provided with a written reprimand for not clocking out at the time their shift ended.

13. In or around 2011, Defendant SAVA employed approximately twenty-five (25) LVNs. Plaintiff is informed, believes, and based thereon alleges that all or nearly all of the approximately twenty-five (25) LVNs, including herself, worked overtime without being able to report the overtime worked or receiving overtime compensation.

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14. In or around November 2011, Plaintiff's workload was even heavier because many of her patients were suffering from pneumonia. Plaintiff's heavier workload required Plaintiff to work additional overtime hours. Due to the numerous additional overtime hours Plaintiff was working during this time, Plaintiff chose to report her overtime on her timesheet.

15. Shortly after Plaintiff began reporting the overtime hours she worked, an administrator in Defendant SAVA's Human Resources department, Giselle Jimenez ("Ms. Jimenez"), met with Plaintiff and casually informed her that she could not report overtime hours.

16. During this meeting Plaintiff explained to Ms. Jimenez that it was not possible for her to finish all of her work within an eight (8) hour shift in accordance with professional standards, and that as a result, she would have to continue working overtime. Although Ms. Jimenez stated that Plaintiff could not report overtime hours, Defendant SAVA's Human Resources department made it clear that Plaintiff was still required to complete all of her required work.

17. As a result of the pressure by Defendant SAVA to complete her job duties within an eight (8) hour shift, Plaintiff was not provided with legally required rest breaks. Plaintiff is informed, believes, and based thereon alleges that if she took the two (2) ten (10) minute rest breaks that she was legally required to be provided during her eight (8) hour shift, she would fall behind on her work and would have to work an equivalent extra twenty (20) minutes of unpaid overtime in order to fulfill her responsibilities. Further, Plaintiff is informed, believes, and based thereon alleges that nearly all of the approximately twenty-five (25) other LVNs were not provided with, nor did they have an opportunity to exercise, their legally mandated rest breaks.

18. Further, due to the critical care demands of Plaintiff's patients, Plaintiff was regularly interrupted during her meal breaks and would be unable to resume her meal break after it was interrupted.

19. On or about January 12, 2012, Dr. George Daniel ("Dr. Daniel"), a physician at Defendant SAVA, called Plaintiff regarding a patient's sore that he believed Plaintiff had failed to inform him about. However, when Plaintiff checked the patient's files, it was notated that she had in fact informed Dr. Daniel of the patient's sore on or about December 31, 2011. When she informed Dr. Daniel of this fact, Dr. Daniel demanded more information about the patient's sore.

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(818) 610-8800

202 / 61 / 20

1 While Plaintiff was locating the written information, Dr. Daniel became very impatient and
2 hostile with Plaintiff.

3 20. Shortly after the phone conversation, Dr. Daniel arrived at Defendant SAVA to
4 confront Plaintiff. Plaintiff is informed, believes, and based thereon alleges that Dr. Daniel has a
5 reputation for having a temper and had at least on one occasion been involved in a physical
6 altercation with another doctor. Further, Plaintiff is informed, believes, and based thereon alleges
7 that Dr. Daniel was not permitted at a facility in Northridge, California or a facility in Encino,
8 California due to physical altercations with another doctor at these facilities.

9 21. Due to Plaintiff's knowledge of Dr. Daniel's reputation for having a temper and
10 engaging in physical altercations with hospital staff and the earlier hostility Dr. Daniel displayed
11 towards Plaintiff, when Plaintiff saw Dr. Daniel approaching her and his expression, she became
12 afraid that Dr. Daniel would physically attack her. Although Dr. Daniel did not physically attack
13 Plaintiff he did verbally attack and berate Plaintiff in front of both her patients and co-workers.

14 22. As a result of this verbal attack, Plaintiff began to suffer from extreme anxiety,
15 uncontrollable crying, depression, and an inability to concentrate on her work.

16 23. Despite this, Plaintiff attempted to continue her job duties as though the attack had
17 not occurred. Therefore, Plaintiff worked the two (2) shifts she was scheduled after Dr. Daniel's
18 verbal attack, but then Plaintiff recognized that she could not function well enough to fulfill her
19 responsibilities at work due to her condition. Therefore, Plaintiff went to her physician on or
20 about January 16, 2012.

21 24. Plaintiff's physician immediately placed her on stress-related medical leave from
22 approximately January 16, 2012 through January 20, 2012.

23 25. On or about January 16, 2012, Plaintiff gave her unit manager her physician's note
24 authorizing her stress-related medical leave. At that time, Plaintiff's unit manager scheduled
25 Plaintiff to return to work on January 23, 2012, after her medical leave was completed.

26 26. On or about January 20, 2012, while Plaintiff was still on medical leave, Lusine
27 Janoyan ("Ms. Janoyan"), an administrator for Defendant SAVA, called Plaintiff to inform her
28 that her employment with Defendant SAVA had been termination. At that time, Ms. Janoyan

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1 stated that Plaintiff's employment had been terminated as a result of the January 12, 2012
2 incident involving Dr. Daniel. In addition, Ms. Janoyan stated that Defendant SAVA had
3 conducted an investigation of Plaintiff and had found that there had been complaints by patient's
4 family members and a complaint from a nurse's aide about Plaintiff. However, prior to this
5 conversation, Plaintiff had not been informed that there were any complaints made against her,
6 nor was Plaintiff interviewed by anyone at Defendant SAVA about the alleged complaints made
7 against Plaintiff during the course of the "investigation."

8 27. Therefore, Plaintiff is informed, believes, and based thereon alleges that the reason
9 given by Defendant SAVA for terminating of her employment was pretext because there were no
10 complaints from patient's family members or nurse's aides, and rather, the real reason her
11 employment was terminated was because of her disability and her need to take medical leave to
12 treat her disability.

13 28. On or about December 5, 2012, Plaintiff filed charges with the State of California,
14 Department of Fair Employment and Housing and received immediate right to sue letters on or
15 about December 5, 2012.

16 **FIRST CAUSE OF ACTION**

17 **DISABILITY DISCRIMINATION**

18 **IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ.**

19 **[FAIR EMPLOYMENT AND HOUSING ACT (FEHA)]**

20 **(Against Defendant SAVA and DOES 1 through 100)**

21 29. Plaintiff incorporates by reference paragraphs 1 through 28, inclusive, of this
22 Complaint as if fully set forth at this place.

23 30. At all times herein mentioned, Government Code section 12940, et seq. was in full
24 force and effect, and was binding on Defendant, and each of them, as Defendant regularly
25 employed five (5) or more persons. Under the Fair Employment and Housing Act ("FEHA"),
26 Government Code section 12940, et seq., it is an unlawful employment practice for an employer
27 because of the disability of a person, to refuse to hire or employ the person, to refuse to select the
28 person for a training program leading to employment, to bar or discharge the person from

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Woodland Hills, CA 91367
(818) 610-8800

2013/01/28

1 employment or from a training program leading to employment, or to discriminate against the
2 person in compensation or in terms, conditions, or privileges of employment. It is unlawful,
3 under the FEHA to retaliate against or harass an employee because an employee's disability.
4 Furthermore, Government Code section 12926.1, subdivision (b) provides, "disability" includes,
5 but is not limited to, protection from discrimination due to actual or perceived impairment that is
6 disabling, potentially disabling, or perceived to be disabling.

7 31. From on or about January 12, 2012 to the date of Plaintiff's termination, Plaintiff
8 suffered from a stress-related medical condition. Plaintiff's medical condition prevented Plaintiff
9 at times from being able to perform major life functions, such as working. On or about January
10 16, 2012, Plaintiff notified Defendant of her medical condition.

11 32. From on or about January 16, 2012 to January 20, 2012, Plaintiff's treating physician
12 placed Plaintiff on medical leave.

13 33. Plaintiff is informed, believes, and thereon alleges that Defendants refused to
14 accommodate Plaintiff's disability by allowing her to remain on disability leave until January 23,
15 2012.

16 34. While on medical leave, on or about January 20, 2012, Defendant SAVA terminated
17 Plaintiff's employment. Plaintiff's medical leave was not scheduled to end until January 23,
18 2012.

19 35. The above said acts of Defendants constituted disability discrimination in violation of
20 public policy and in violation of Government Code section 12940, et seq.

21 36. As a proximate result of the aforesaid acts of Defendants, Plaintiff has suffered
22 actual, consequential and incidental financial losses, including without limitation, loss of salary
23 and benefits, and the intangible loss of employment related opportunities in her field and damage
24 to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff
25 claims such amounts as damages pursuant to California Civil Code section 3287 and/or section
26 3288 and/or any other provision of law providing for prejudgment interest.

27 37. As a proximate result of the wrongful acts of Defendants, Plaintiff has suffered and
28 continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well

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1 as the manifestation of physical symptoms. Plaintiff is informed and believes, and thereupon
2 alleges, that she will continue to experience said physical and emotional suffering for a period in
3 the future not presently ascertainable, all in an amount subject to proof at the time of trial.

4 38. As a proximate result of the wrongful acts of Defendants, Plaintiff has been forced to
5 hire attorneys to prosecute her claims herein, and has incurred and is expected to continue to
6 incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys'
7 fees and costs under Government Code section 12965, subdivision (b).

8 39. Defendant SAVA had in place policies and procedures that specifically prohibited
9 discrimination, retaliation, and harassment based on disability and required Defendant SAVA's
10 managers, officers, and agents to prevent disability discrimination and retaliation based on
11 disability /hostile work environment against and upon employees of Defendant SAVA. Ms.
12 Janoyan was a managerial agent, manager, officer, and/or agent of Defendant SAVA and was
13 aware of Defendant SAVA's policies and procedures prohibiting discrimination and retaliation
14 based on disability and required Defendant SAVA's managers, officers, and agents to prevent
15 disability discrimination and retaliation based on disability/hostile work environment against and
16 upon employees of Defendant SAVA. Furthermore, Ms. Janoyan maintained broad discretionary
17 powers regarding staffing, managing, hiring, firing, contracting, supervising, assessing and
18 establishing of corporate policy and practice in the Defendant SAVA's facilities. However, Ms.
19 Janoyan chose to consciously and willfully ignore and refuse to employ said policies and
20 procedures with respect to the Plaintiff and therefore, her outrageous conduct was fraudulent,
21 malicious, oppressive, and was done in wanton disregard for the rights of Plaintiff and the rights
22 and duties owed by each Defendant to Plaintiff. Each Defendant aided, abetted, participated in,
23 authorized, ratified, and/or conspired to engage in the wrongful conduct alleged above. Plaintiff
24 should, therefore, be awarded exemplary and punitive damages against each Defendant in an
25 amount to be established that is appropriate to punish each Defendant and deter others from
26 engaging in such conduct.

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1 **SECOND CAUSE OF ACTION**

2 **RETALIATION**

3 **IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ.**

4 **[FAIR EMPLOYMENT AND HOUSING ACT (FEHA)]**

5 **(Against Defendant SAVA and DOES 1 through 100)**

6 40. Plaintiff incorporates by reference paragraphs 1 through 28, inclusive, of this
7 Complaint as if fully set forth at this place.

8 41. At all times herein mentioned, Government Code section 12940 et seq. was in full
9 force and effect, and was binding on Defendants, as Defendants regularly employed five or more
10 persons. Government Code section 12940, subdivision (h) makes it unlawful for any person to
11 retaliate against an employee who has opposed a discriminatory practice.

12 42. At all times, Plaintiff carried out her duties in a professional manner while employed
13 by Defendants. Plaintiff engaged in a protected activity when she reported race discrimination,
14 and sexual harassment.

15 43. Shortly after Plaintiff informed Defendant of her disability, Defendant initiated a
16 pattern of retaliatory conduct towards Plaintiff, wherein Defendant ultimately terminated
17 Plaintiff's employment while Plaintiff was on medical leave to treat her disability.

18 44. Defendants' conduct, as alleged above, constituted unlawful retaliation in
19 employment on account of Plaintiff's disability and gender in violation of Government Code
20 section 12940, subdivisions (a) and (h).

21 45. As a proximate result of the aforesaid acts of Defendants, Plaintiff has suffered
22 actual, consequential and incidental financial losses, including without limitation, loss of salary
23 and benefits, and the intangible loss of employment related opportunities in her field and damage
24 to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff
25 claims such amounts as damages pursuant to Civil Code section 3287 and/or section 3288 and/or
26 any other provision of law providing for prejudgment interest.

27 46. As a proximate result of the wrongful acts of Defendants, Plaintiff has suffered and
28 continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well

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1 as the manifestation of physical symptoms. Plaintiff is informed, believes, and based thereon
 2 alleges that she will continue to experience said physical and emotional suffering for a period in
 3 the future not presently ascertainable, all in an amount subject to proof at the time of trial.

4 47. As a proximate result of the wrongful acts of Defendants, Plaintiff has been forced to
 5 hire attorneys to prosecute her claims herein, and has incurred and is expected to continue to
 6 incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys'
 7 fees and costs under Government Code section 12965, subdivision (b).

8 48. Defendant SAVA had in place policies and procedures that specifically prohibited
 9 discrimination, retaliation, and harassment based on disability and required Defendant SAVA's
 10 managers, officers, and agents to prevent disability discrimination and retaliation based on
 11 disability /hostile work environment against and upon employees of Defendant SAVA. Ms.
 12 Janoyan was a managerial agent, manager, officer, and/or agent of Defendant SAVA and was
 13 aware of Defendant SAVA's policies and procedures prohibiting discrimination and retaliation
 14 based on disability and required Defendant SAVA's managers, officers, and agents to prevent
 15 disability discrimination and retaliation based on disability/hostile work environment against and
 16 upon employees of Defendant SAVA. Furthermore, Ms. Janoyan maintained broad discretionary
 17 powers regarding staffing, managing, hiring, firing, contracting, supervising, assessing and
 18 establishing of corporate policy and practice in the Defendant SAVA's facilities. However, Ms.
 19 Janoyan chose to consciously and willfully ignore and refuse to employ said policies and
 20 procedures with respect to the Plaintiff and therefore, her outrageous conduct was fraudulent,
 21 malicious, oppressive, and was done in wanton disregard for the rights of Plaintiff and the rights
 22 and duties owed by each Defendant to Plaintiff. Each Defendant aided, abetted, participated in,
 23 authorized, ratified, and/or conspired to engage in the wrongful conduct alleged above. Plaintiff
 24 should, therefore, be awarded exemplary and punitive damages against each Defendant in an
 25 amount to be established that is appropriate to punish each Defendant and deter others from
 26 engaging in such conduct.

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THIRD CAUSE OF ACTION**FAILURE TO ACCOMMODATE****IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ.****[FAIR EMPLOYMENT AND HOUSING ACT (FEHA)]****(Against Defendant SAVA and DOES 1 through 100)**

49. Plaintiff incorporates by reference paragraphs 1 through 28, inclusive, of this Complaint as if fully set forth at this place.

50. Defendant is a business entity regularly employing at least the minimum number of employees upon which certain legal duties and obligations arise under various laws and statutes, including the FEHA. Government Code section 12940, subdivision (m) requires that an employer "reasonably accommodate" the known disabilities of any employee. Courts have held that "holding a job open for a disabled employee who needs time to recuperate or heal is in itself a form of a reasonable accommodation." (*Jenson v. Wells Fargo Bank* (2000) 85 Cal.App.4th 245, 263; *Hanson v. Lucky Stores, Inc.* (1999) 74 Cal.App.4th 215, 226-27.)

51. Plaintiff's disability limited her ability to engage in the major life activity of working.

52. Although Defendants, and each of them, knew of Plaintiff's disability, specifically, Plaintiff's need for stress-related medical leave, Defendants, and each of them, refused to accommodate Plaintiff's disability and instead terminated Plaintiff because of her disability. Defendants' acts were in direct contravention of the FEHA.

53. Plaintiff alleges that she could have fully performed all duties and functions of her job in an adequate, satisfactory and/or outstanding manner, particularly if she was provided with reasonable accommodations such as an uninterrupted medical leave.

54. As a proximate result of the aforesaid acts of Defendants, Plaintiff has suffered actual, consequential and incidental financial losses, including without limitation, loss of salary and benefits, and the intangible loss of employment related opportunities in her field and damage to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such amounts as damages pursuant to Government Code section 3287 and/or section 3288 and/or any other provision of law providing for prejudgment interest.

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55. As a proximate result of the wrongful acts of Defendants, Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and believes, and thereupon alleges, that she will continue to experience said physical and emotional suffering for a period in the future not presently ascertainable, all in an amount subject to proof at the time of trial.

56. As a proximate result of the wrongful acts of Defendants, Plaintiff has been forced to hire attorneys to prosecute her claims herein, and has incurred and is expected to continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys' fees and costs under Government Code section 12965, subdivision (b).

57. Defendant SAVA had in place policies and procedures that specifically prohibited discrimination, retaliation, and harassment based on disability and required Defendant SAVA's managers, officers, and agents to prevent disability discrimination and retaliation based on disability /hostile work environment against and upon employees of Defendant SAVA. Ms. Janoyan was a managerial agent, manager, officer, and/or agent of Defendant SAVA and was aware of Defendant SAVA's policies and procedures prohibiting discrimination and retaliation based on disability and required Defendant SAVA's managers, officers, and agents to prevent disability discrimination and retaliation based on disability/hostile work environment against and upon employees of Defendant SAVA. Furthermore, Ms. Janoyan maintained broad discretionary powers regarding staffing, managing, hiring, firing, contracting, supervising, assessing and establishing of corporate policy and practice in the Defendant SAVA's facilities. However, Ms. Janoyan chose to consciously and willfully ignore and refuse to employ said policies and procedures with respect to the Plaintiff and therefore, her outrageous conduct was fraudulent, malicious, oppressive, and was done in wanton disregard for the rights of Plaintiff and the rights and duties owed by each Defendant to Plaintiff. Each Defendant aided, abetted, participated in, authorized, ratified, and/or conspired to engage in the wrongful conduct alleged above. Plaintiff should, therefore, be awarded exemplary and punitive damages against each Defendant in an amount to be established that is appropriate to punish each Defendant and deter others from engaging in such conduct.

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FOURTH CAUSE OF ACTION

**FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS
IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ.
[FAIR EMPLOYMENT AND HOUSING ACT (FEHA)]
(Against Defendant SAVA and DOES 1 through 100)**

58. Plaintiff incorporates by reference paragraphs 1 through 28, inclusive, of this Complaint as if fully set forth at this place.

59. At all times herein mentioned, Government Code section 12940 et seq. was in full force and effect and was binding on Defendants and each of them, as Defendants regularly employed five (5) or more persons. According to Government Code section 12940, subdivision (n), it is an unlawful employment practice for an employer or other covered entity to fail to engage in a timely, good faith, interactive process with the employee or applicant to determine effective reasonable accommodations.

60. While Plaintiff was employed by Defendants, Defendants were aware that Plaintiff suffered from a stress-related disability and required accommodation.

61. Plaintiff is informed, believes, and thereon alleges that at no time did Defendants engage in any sort of interactive process, as required by Government Code section 12940, subdivision (n), to accommodate Plaintiff's known disability.

62. As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has suffered actual, consequential and incidental financial losses, including without limitation, loss of salary and benefits, and the intangible loss of employment related opportunities in her field and damage to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such amounts as damages pursuant to Civil Code § 3287 and/or § 3288 and/or any other provision of law providing for prejudgment interest.

63. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and believes and thereupon alleges that she will continue to experience said physical and emotional

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1 suffering for a period in the future not presently ascertainable, all in an amount subject to proof
 2 at the time of trial.

3 64. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff
 4 has been forced to hire attorneys to prosecute her claims herein, and has incurred and is expected
 5 to continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to
 6 recover attorneys' fees and costs under Government Code section 12965, subdivision (b).

7 65. Defendant SAVA had in place policies and procedures that specifically prohibited
 8 discrimination, retaliation, and harassment based on disability and required Defendant SAVA's
 9 managers, officers, and agents to prevent disability discrimination and retaliation based on
 10 disability /hostile work environment against and upon employees of Defendant SAVA. Ms.
 11 Janoyan was a managerial agent, manager, officer, and/or agent of Defendant SAVA and was
 12 aware of Defendant SAVA's policies and procedures prohibiting discrimination and retaliation
 13 based on disability and required Defendant SAVA's managers, officers, and agents to prevent
 14 disability discrimination and retaliation based on disability/hostile work environment against and
 15 upon employees of Defendant SAVA. Furthermore, Ms. Janoyan maintained broad discretionary
 16 powers regarding staffing, managing, hiring, firing, contracting, supervising, assessing and
 17 establishing of corporate policy and practice in the Defendant SAVA's facilities. However, Ms.
 18 Janoyan chose to consciously and willfully ignore and refuse to employ said policies and
 19 procedures with respect to the Plaintiff and therefore, her outrageous conduct was fraudulent,
 20 malicious, oppressive, and was done in wanton disregard for the rights of Plaintiff and the rights
 21 and duties owed by each Defendant to Plaintiff. Each Defendant aided, abetted, participated in,
 22 authorized, ratified, and/or conspired to engage in the wrongful conduct alleged above. Plaintiff
 23 should, therefore, be awarded exemplary and punitive damages against each Defendant in an
 24 amount to be established that is appropriate to punish each Defendant and deter others from
 25 engaging in such conduct.

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FIFTH CAUSE OF ACTION

FAILURE TO PREVENT DISCRIMINATION

IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ.

[FAIR EMPLOYMENT AND HOUSING ACT (FEHA)]

(Against Defendant SAVA and DOES 1 through 100)

66. Plaintiff incorporates by reference paragraphs 1 through 28, inclusive, of this Complaint as if fully set forth at this place.

67. At all times mentioned herein, Government Code section 12940, subdivisions (j) and (k) were in full force and effect, and were binding upon Defendants, and each of them. These subdivisions impose on an employer a duty to take immediate and appropriate corrective action to end discrimination and take all reasonable steps necessary to prevent discrimination from occurring, among other things.

68. Defendants failed to take immediate and appropriate corrective action to end the discrimination. Defendants also failed to take all reasonable steps necessary to prevent the discrimination and harassment from occurring.

69. In failing and/or refusing to take immediate and appropriate corrective action to end the discrimination and in failing and/or refusing to take and or all reasonable steps necessary to prevent discrimination from occurring, Defendants violated Government Code section 12940, subdivision (j) and (k), causing Plaintiff to suffer damages as set forth above.

70. As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has suffered actual, consequential and incidental financial losses, including without limitation, loss of salary and benefits, and the intangible loss of employment related opportunities in her field and damage to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such amounts as damages pursuant to Civil Code section 3287 and/or section 3288 and/or any other provision of law providing for prejudgment interest.

71. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed,

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believes, and based thereon alleges that she will continue to experience said physical and emotional suffering for a period in the future not presently ascertainable, all in an amount subject to proof at the time of trial.

72. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has been forced to hire attorneys to prosecute her claims herein, and has incurred and is expected to continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys' fees and costs under Government Code section 12965, subdivision (b).

73. Defendant SAVA had in place policies and procedures that specifically prohibited discrimination, retaliation, and harassment based on disability and required Defendant SAVA's managers, officers, and agents to prevent disability discrimination and retaliation based on disability /hostile work environment against and upon employees of Defendant SAVA. Ms. Janoyan was a managerial agent, manager, officer, and/or agent of Defendant SAVA and was aware of Defendant SAVA's policies and procedures prohibiting discrimination and retaliation based on disability and required Defendant SAVA's managers, officers, and agents to prevent disability discrimination and retaliation based on disability/hostile work environment against and upon employees of Defendant SAVA. Furthermore, Ms. Janoyan maintained broad discretionary powers regarding staffing, managing, hiring, firing, contracting, supervising, assessing and establishing of corporate policy and practice in the Defendant SAVA's facilities. However, Ms. Janoyan chose to consciously and willfully ignore and refuse to employ said policies and procedures with respect to the Plaintiff and therefore, her outrageous conduct was fraudulent, malicious, oppressive, and was done in wanton disregard for the rights of Plaintiff and the rights and duties owed by each Defendant to Plaintiff. Each Defendant aided, abetted, participated in, authorized, ratified, and/or conspired to engage in the wrongful conduct alleged above. Plaintiff should, therefore, be awarded exemplary and punitive damages against each Defendant in an amount to be established that is appropriate to punish each Defendant and deter others from engaging in such conduct.

SIXTH CAUSE OF ACTION**WRONGFUL TERMINATION****IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ.****[FAIR EMPLOYMENT AND HOUSING ACT (FEHA)]****(Against Defendant SAVA and DOES 1 through 100)**

74. Plaintiff incorporates by reference paragraphs 1 through 28, inclusive, of this Complaint as if fully set forth at this place.

75. At all times herein mentioned, Government Code section 12940 et seq. was in full force and effect, and was binding on Defendants, and each of them, as Defendant regularly employed five (5) or more persons. Government Code section 12940 et seq. provides that it is unlawful for an employer, to discharge a person from employment or discriminate against them in compensation or as to the terms, conditions or privileges of employment based on disability, as stated in Government Code section 12940, subdivision (a).

76. Defendant terminated Plaintiff's employment as a result of her disability and her need to take medical leave. Such conduct was done in violation of the FEHA.

77. As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has suffered actual, consequential and incidental financial losses, including without limitation, loss of salary and benefits, and the intangible loss of employment related opportunities in her field and damage to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such amounts as damages pursuant to Civil Code section 3287 and/or section 3288 and/or any other provision of law providing for prejudgment interest.

78. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed, believes, and based thereon alleges that she will continue to experience said physical and emotional suffering for a period in the future not presently ascertainable, all in an amount subject to proof at the time of trial.

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79. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has been forced to hire attorneys to prosecute her claims herein, and has incurred and is expected to continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys' fees and costs under Government Code section 12965, subdivision (b).

80. Defendant SAVA had in place policies and procedures that specifically prohibited discrimination, retaliation, and harassment based on disability and required Defendant SAVA's managers, officers, and agents to prevent disability discrimination and retaliation based on disability /hostile work environment against and upon employees of Defendant SAVA. Ms. Janoyan was a managerial agent, manager, officer, and/or agent of Defendant SAVA and was aware of Defendant SAVA's policies and procedures prohibiting discrimination and retaliation based on disability and required Defendant SAVA's managers, officers, and agents to prevent disability discrimination and retaliation based on disability/hostile work environment against and upon employees of Defendant SAVA. Furthermore, Ms. Janoyan maintained broad discretionary powers regarding staffing, managing, hiring, firing, contracting, supervising, assessing and establishing of corporate policy and practice in the Defendant SAVA's facilities. However, Ms. Janoyan chose to consciously and willfully ignore and refuse to employ said policies and procedures with respect to the Plaintiff and therefore, her outrageous conduct was fraudulent, malicious, oppressive, and was done in wanton disregard for the rights of Plaintiff and the rights and duties owed by each Defendant to Plaintiff. Each Defendant aided, abetted, participated in, authorized, ratified, and/or conspired to engage in the wrongful conduct alleged above. Plaintiff should, therefore, be awarded exemplary and punitive damages against each Defendant in an amount to be established that is appropriate to punish each Defendant and deter others from engaging in such conduct.

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SEVENTH CAUSE OF ACTION

WRONGFUL TERMINATION

IN VIOLATION OF PUBLIC POLICY

(Against Defendant SAVA and DOES 1 through 100)

81. Plaintiff incorporates by reference paragraphs 1 through 28, inclusive, of this Complaint as if fully set forth at this place.

82. At all times mentioned, the public policy of the State of California, as codified, expressed and mandated in Government Code section 12940, is to prohibit employers from discriminating, harassing and retaliating against any individual on the basis of disability. This public policy of the State of California is designed to protect all employees and to promote the welfare and well-being of the community at large. Accordingly, the actions of Defendants, and each of them, in terminating Plaintiff on the grounds alleged and described herein were wrongful and in contravention of the express public policy of the State of California, to wit, the policy set forth in Government Code section 12940 et seq., and the laws and regulations promulgated thereunder.

83. As a proximate result of the aforesaid acts of Defendants, Plaintiff has suffered actual, consequential and incidental financial losses, including without limitation, loss of salary and benefits, and the intangible loss of employment related opportunities in her field and damage to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such amounts as damages pursuant to Civil Code section 3287 and/or section 3288 and/or any other provision of law providing for prejudgment interest.

84. As a proximate result of the wrongful acts of Defendants, Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed, believes, and based thereon alleges that she will continue to experience said physical and emotional suffering for a period in the future not presently ascertainable, all in an amount subject to proof at the time of trial.

85. Defendant SAVA had in place policies and procedures that specifically prohibited discrimination, retaliation, and harassment based on disability and required Defendant SAVA's

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managers, officers, and agents to prevent disability discrimination and retaliation based on disability /hostile work environment against and upon employees of Defendant SAVA. Ms. Janoyan was a managerial agent, manager, officer, and/or agent of Defendant SAVA and was aware of Defendant SAVA's policies and procedures prohibiting discrimination and retaliation based on disability and required Defendant SAVA's managers, officers, and agents to prevent disability discrimination and retaliation based on disability/hostile work environment against and upon employees of Defendant SAVA. Furthermore, Ms. Janoyan maintained broad discretionary powers regarding staffing, managing, hiring, firing, contracting, supervising, assessing and establishing of corporate policy and practice in the Defendant SAVA's facilities. However, Ms. Janoyan chose to consciously and willfully ignore and refuse to employ said policies and procedures with respect to the Plaintiff and therefore, her outrageous conduct was fraudulent, malicious, oppressive, and was done in wanton disregard for the rights of Plaintiff and the rights and duties owed by each Defendant to Plaintiff. Each Defendant aided, abetted, participated in, authorized, ratified, and/or conspired to engage in the wrongful conduct alleged above. Plaintiff should, therefore, be awarded exemplary and punitive damages against each Defendant in an amount to be established that is appropriate to punish each Defendant and deter others from engaging in such conduct.

EIGHTH CAUSE OF ACTION

NEGLIGENT RETENTION

(Against Defendant SAVA and DOES 1 through 100)

86. Plaintiff incorporates by reference paragraphs 1 through 28, inclusive, of this Complaint as if fully set forth at this place.

87. For purposes of this cause of action, unless specifically identified, reference to "Defendants" includes Defendant SAVA and DOES 1 through 100.

88. Plaintiff was harmed by Dr. Daniel on or about January 12, 2012 when Dr. Daniel verbally attacked and berated Plaintiff on Defendant SAVA's premises during work hours in front of Defendant SAVA's supervisors and/or managers.

89. Plaintiff is informed and believes, and based thereon alleges that Defendant SAVA

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1 and DOES 1 through 100, were responsible for the selection, hiring, and retention of Dr. Daniel
 2 to be a doctor Defendant SAVA's facility.

3 90. Plaintiff is informed and believes, and thereon alleges that Defendant SAVA selected,
 4 hired, and/or retained Dr. Daniel when it knew, or should have known, that this individual was
 5 unqualified, unfit, and/or incompetent to be a doctor for Defendant SAVA.

6 91. Plaintiff is informed and believes, and thereon alleges that Dr. Daniel was
 7 unqualified, unfit, and/or incompetent to be a doctor for Defendant SAVA, and had a known
 8 history of anger management problems, and a propensity for violence in the workplace and
 9 unnecessarily and unreasonably assaulted Plaintiff.

10 92. In fact, Defendant SAVA knew that Dr. Daniel was not permitted to work at facilities
 11 in Northridge, California and Encino, California due to physical altercations with doctors at these
 12 facilities.

13 93. As a proximate and direct result of the negligent selection, hiring, and/or retention of
 14 Dr. Daniel by Defendant SAVA, Plaintiff was in fact unnecessarily and unreasonably assaulted
 15 Dr. Daniel without provocation or justification.

16 94. Upon information and belief, Defendant SAVA had in place policies and procedures
 17 to protect its employees and others on its premises from assault. Defendant SAVA was put on
 18 notice of Dr. Daniel's propensity for violence when it was notified of Dr. Daniel's physical
 19 altercation with another doctor on Defendant SAVA's premises. However, Defendant SAVA
 20 failed to address Plaintiff's needs and failed to protect Plaintiff from the assault that occurred. As
 21 a result, Plaintiff was assaulted while on Defendant SAVA's premises. Therefore, the acts
 22 described in this Complaint were authorized and ratified by Defendant SAVA's officers,
 23 directors, managerial and supervisory employees and were done in a malicious, fraudulent and
 24 oppressive manner with full knowledge that these acts were in violation of the law and otherwise
 25 in conscious disregard of Plaintiff's right to be free from assault while working for Defendant
 26 SAVA.

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NINTH CAUSE OF ACTION

**INTERFERENCE WITH AND FAILURE TO PROVIDE LEAVE
 IN VIOLATION OF THE CALIFORNIA FAMILY RIGHTS ACT ("CFRA")
 AND FAMILY MEDICAL LEAVE ACT ("FMLA")
 (Against Defendant SAVA and DOES 1 through 100)**

95. Plaintiff incorporates by reference paragraphs 1 through 28, inclusive, of this Complaint as if fully set forth at this place.

96. All relevant times herein, Plaintiff was entitled to protected leave under the California Family Rights Act and Family Medical Leave Act and/or Defendants represented to Plaintiff that she was entitled to protected leave under the California Family Rights Act ("CFRA") and the Family Medical Leave Act ("FMLA").

97. Plaintiff was at all relevant times a full time employee of Defendants and had worked in excess of 1,250 hours. Plaintiff was therefore an eligible employee under the CFRA Government Code section 12945.2.

98. At all relevant times, Defendants employed more than fifty employees and thus were an employer covered by CFRA. Government Code section 12945.2, subdivision (c)(1).

99. On or about January 16, 2012, Plaintiff requested leave under FMLA and CFRA to care for her stress-related disability.

100. Plaintiff is informed, believes, and thereon alleges that Defendants failed to grant or, at the very least, substantially burdened and interfered with her proper medical leave request.

101. As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has suffered actual, consequential and incidental financial losses, including without limitation, loss of salary and benefits, and the intangible loss of employment related opportunities in her field and damage to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such amounts as damages pursuant to Civil Code section 3287 and/or section 3288 and/or any other provision of law providing for prejudgment interest.

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102. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and believes and thereon alleges that she will continue to experience said physical and emotional suffering for a period in the future not presently ascertainable, all in an amount subject to proof at the time of trial.

103. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has been forced to hire attorneys to prosecute her claims herein, and has incurred and is expected to continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys' fees and costs under Government Code section 12965, subdivision (b).

104. Defendant SAVA had in place policies and procedures that specifically prohibited discrimination, retaliation, and harassment based on disability and required Defendant SAVA's managers, officers, and agents to prevent disability discrimination and retaliation based on disability /hostile work environment against and upon employees of Defendant SAVA. Ms. Janoyan was a managerial agent, manager, officer, and/or agent of Defendant SAVA and was aware of Defendant SAVA's policies and procedures prohibiting discrimination and retaliation based on disability and required Defendant SAVA's managers, officers, and agents to prevent disability discrimination and retaliation based on disability/hostile work environment against and upon employees of Defendant SAVA. Furthermore, Ms. Janoyan maintained broad discretionary powers regarding staffing, managing, hiring, firing, contracting, supervising, assessing and establishing of corporate policy and practice in the Defendant SAVA's facilities. However, Ms. Janoyan chose to consciously and willfully ignore and refuse to employ said policies and procedures with respect to the Plaintiff and therefore, her outrageous conduct was fraudulent, malicious, oppressive, and was done in wanton disregard for the rights of Plaintiff and the rights and duties owed by each Defendant to Plaintiff. Each Defendant aided, abetted, participated in, authorized, ratified, and/or conspired to engage in the wrongful conduct alleged above. Plaintiff should, therefore, be awarded exemplary and punitive damages against each Defendant in an

1 amount to be established that is appropriate to punish each Defendant and deter others from
2 engaging in such conduct.

3 **TENTH CAUSE OF ACTION**

4 **FAILURE TO ALLOW EMPLOYEE MEAL AND REST BREAKS**
5 **IN VIOLATION OF LABOR CODE SECTIONS 226.7 AND 512**

6 **(Against Defendant SAVA and DOES 1 through 100)**

7 106. Plaintiff incorporates by reference paragraphs 1 through 28, inclusive, of this
8 Complaint as if fully set forth at this place e.

9 107. Labor Code section 226.7 states that "no employer shall require any employee to
10 work during any meal or rest period mandated by an applicable order of the Industrial Welfare
11 Commission" and additionally, that "[i]f an employer fails to provide an employee a meal period
12 or rest period in accordance with an applicable order of the Industrial Welfare Commission, the
13 employer shall pay the employee one additional hour of pay at the employee's regular rate of
14 compensation for each work day that the meal or rest period is not provided."

15 108. Labor Code section 512, subdivision (a) states in full, "An employer may not
16 employ an employee for a work period of more than five (5) hours per day without providing the
17 employee with a meal period of not less than thirty (30) minutes, except that if the total work
18 period per day of the employee is no more than six (6) hours, the meal period may be waived by
19 mutual consent of both the employer and employee. An employer may not employ an employee
20 for a work period of more than ten (10) hours per day without providing the employee with a
21 second meal period of not less than thirty (30) minutes, except that if the total hours worked is no
22 more than twelve (12) hours, the second meal period may be waived by mutual consent of the
23 employer and the employee only if the first meal period was not waived.

24 109. Plaintiff did not receive ten (10) minute rest periods for every four (4) hours of
25 work, as mandated by the Labor Code and the Industrial Welfare Commission. Furthermore,
26 Plaintiff did not receive compensation at the rate of one (1) hour's pay for each day she was
27 deprived of her rest period(s).
28

Law Offices of Joseph M. Lovretovich
5941 Varrel Avenue
Woodland Hills, CA 91367
(818) 610-8800

STGZ / ST / LG

110. Plaintiff did not always receive her meal periods on the days she worked a five (5) hour or more shift. Furthermore, Plaintiff did not receive compensation at the rate of one (1) hour's pay for each day she was deprived a meal break.

111. Plaintiff has been deprived of her right to meal periods and rest breaks as a direct and proximate result of Defendants' failure and refusal to recognize said breaks. Plaintiff is entitled to recover such amounts, plus interest thereon, attorneys' fees and costs.

ELEVENTH CAUSE OF ACTION

FAILURE TO PAY OVERTIME COMPENSATION

IN VIOLATION OF LABOR CODE § 1194

(Against Defendant SAVA and DOES 1 through 100)

112. Plaintiff incorporates by reference paragraphs 1 through 28, inclusive, of this Complaint as if fully set forth at this place.

113. At all times mentioned herein, Labor Code section 1194 was in full force and effect and was binding on Defendant. Labor Code section 1194 states, in relevant part, that:

any employee receiving less than the legal minimum ... overtime compensation applicable to the employee is entitled to recover in a civil action the unpaid balance of the full amount of this ... overtime compensation, including interest thereon, reasonable attorney's fees, and costs of suit.

114. Frequently during the term of Plaintiff's employment, in or around 1983 through January 12, 2012, Defendants regularly required Plaintiff to work more than forty (40) hours per week, but failed and willfully refused to pay Plaintiff the overtime compensation required by Employment Laws and Regulations. Therefore, despite working several hours of overtime, Plaintiff was not compensated for all of her overtime worked.

115. Plaintiff has been deprived of her rightfully earned overtime compensation as a direct and proximate result of Defendant's failure and willful refusal to pay said compensation. Plaintiff is entitled to recover such amounts, plus interest thereon, attorney's fees and costs.

116. Based on Defendants' conduct as alleged herein, Defendants are liable for civil penalties pursuant to Labor Code section 558 and other applicable provisions of the California Employment Laws and Regulations.

TWELFTH CAUSE OF ACTION**FAILURE TO PAY EARNED WAGES****IN VIOLATION OF LABOR CODE §§ 204, 206, 210, 218.5, and 218.6****(Against Defendant SAVA and DOES 1 through 100)**

117. Plaintiff incorporates by reference paragraphs 1 through 28, inclusive, of this Complaint as if fully set forth at this place.

118. Defendant employed Plaintiff from in or around 1983 through January 20, 2012, but failed and willfully refused to pay Plaintiff all wages earned working for Defendant during this period, as required by the California Employment Laws and Regulations.

119. Specifically, Plaintiff regularly worked over eight (8) hours per day, or forty (40) hours per week, but was not paid overtime compensation.

120. Defendants have deprived Plaintiff of her rightfully earned wages as a direct and proximate result of Defendant's corporate policies and failure and refusal to pay said compensation. Plaintiff is entitled to penalties pursuant to Labor Code section 558 and other applicable provisions of the Employment Laws and Regulations.

121. Based on Defendant's conduct alleged herein, Plaintiff is entitled to recover liquidated damages in an amount equal to the wages unlawfully unpaid and interest thereon pursuant to Labor Code section 1194.2, subdivision (a).

THIRTEENTH CAUSE OF ACTION**WAITING TIME PENALTIES****(Against Defendant SAVA and DOES 1 through 100)**

122. Plaintiff incorporates by reference paragraphs 1 through 28, inclusive, of this Complaint as if fully set forth at this place.

123. During Plaintiff's employment with Defendant, Defendant failed to timely tender payment of accrued wages and other compensation due to her, as required by Labor Code sections 201 through 203.

124. Plaintiff was not exempt from the requirements of the Employment Laws and Regulations.

1 125. Based on Defendant's conduct as alleged herein, Defendant is liable for civil
2 penalties pursuant to Labor Code sections 203, 558, and other applicable provisions of the
3 Employment Laws and Regulations.

4 **FOURTEENTH CAUSE OF ACTION**

5 **UNFAIR BUSINESS PRACTICES**

6 **IN VIOLATION OF BUSINESS AND PROFESSIONS CODE § 17200, ET SEQ.**

7 **(Against Defendant SAVA and DOES 1 through 100)**

8 126. Plaintiff incorporates by reference paragraphs 1 through 28, inclusive, of this
9 Complaint as if fully set forth at this place.

10 127. Defendants' violations of the California Employment Laws and Regulation as
11 alleged herein, including but not limited to, Defendants' failure to pay compensation due to
12 Plaintiff in a timely manner and Defendants' wrongful withholding of wages and compensation
13 due to Plaintiff, constitute unfair business practices in violation of California Business &
14 Professions Code section 17200, et seq.

15 128. Specifically, Defendants have violated Labor Code sections 201 through 203,
16 204, 206, 210; 218.5, 218.6, 226.7, 512, and 1194.

17 129. As a result of Defendants' unfair business practices, Defendants have reaped
18 unfair benefits and illegal profits at the expense of Plaintiff and members of the public.
19 Defendants should be made to disgorge their ill-gotten gains and restore such monies to Plaintiff.
20 Defendants' unfair business practices entitle Plaintiff to seek preliminary and permanent
21 injunctive relief, including but not limited to orders that Defendant account for, disgorge and
22 restore to Plaintiff the compensation unlawfully withheld from him.

23 **WHEREFORE, Plaintiff prays for judgment as follows:**

- 24 1. For all actual, consequential and incidental financial losses, including but not
25 limited to, loss of earnings, employee benefits, according to proof;
26 2. For special damages, according to proof;
27 3. For declaratory relief, according to proof;
28 4. For injunctive relief, according to proof;

5. For medical expenses and related items of expense, according to proof;
6. For attorneys' fees, according to proof;
7. For prejudgment interest, according to proof;
8. For punitive and exemplary damages, according to proof;
9. For costs of suit incurred herein; and,
10. For such other relief and the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATED: July 16, 2013

LAW OFFICES OF JOSEPH M. LOVRETOVICH

By: 

JOSEPH M. LOVRETOVICH

ELLEN E. COHEN

TIFFANY LEE

Attorneys for Plaintiff ELVIRA ANTENOR

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Joseph M. Lovretovich, Ellen E. Cohen, Tiffany Lee SBN: 73403; 258131; 281110 JML Law, APLC 5941 Variel Avenue, Woodland Hills, CA 91367 TELEPHONE NO.: 818-610-8800 FAX NO.: 818-610-3030 ATTORNEY FOR (Name): ELVIAR ANTENOR		FOR COURT USE ONLY <div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> <div style="text-align: center;">LOS ANGELES SUPERIOR COURT</div> <div style="text-align: center; font-size: 1.5em;">JUL 19 2013</div> <div style="text-align: center;">JOHN A. CLARKE, CLERK</div> <div style="text-align: center;">BY L. JOHNSON, DEPUTY</div> <div style="text-align: center;">CASE NUMBER: BC 515789</div> <div style="text-align: center;">JUDGE:</div> <div style="text-align: center;">DEPT:</div>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse on Hill St.		CASE NAME: ELVIAR ANTENOR v SSC TARZANA OPERATING COMPANY LP d/b/a SAVA SENIOR CARE, TARZANA REHABILITATION CENTER	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify):
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 18, 2013

Joseph M. Lovretovich, Ellen E. Cohen, Tiffany Lee
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SHORT TITLE: ELVIAR ANTENOR v SSC TARZANA OPERATING COMPANY LP

CASE NUMBER

BC515789

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 5-7 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons See Step 3/Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.

SHORT TITLE: ELVIAR ANTENOR v SSC TARZANA OPERATING COMPANY LP	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Real Property	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: ELVIAR ANTENOR v SSC TARZANA OPERATING COMPANY LP

CASE NUMBER

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input checked="" type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: ELVIAR ANTENOR v SSC TARZANA OPERATING COMPANY LP

CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS: 5650 Reseda Boulevard
CITY: Tarzana	STATE: CA	ZIP CODE: 91356	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subs. (b), (c) and (d)].

Dated: July 18, 2013

 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE (NON-CLASS ACTION)

Case Number

BC 515789**THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT**

Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 3.3(c)). There is additional information on the reverse side of this form.

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
Hon. Daniel Buckley	1	534	Hon. Michael Johnson	56	514
✓ Hon. Barbara A. Meiers	12	636	Hon. Ralph W. Dau	57	517
Hon. Terry A. Green	14	300	Hon. Rolf M. Treu	58	516
Hon. Richard Fruin	15	307	Hon. Michael L. Stern	62	600
Hon. Rita Miller	16	309	Hon. Mark Mooney	68	617
Hon. Richard E. Rico	17	309	Hon. William F. Fahey	69	621
Hon. Kevin C. Brazile	20	310	Hon. Soussan G. Bruguera	71	729
Hon. Robert L. Hess	24	314	Hon. Ruth Ann Kwan	72	731
Hon. Mary Ann Murphy	25	317	Hon. Teresa Sanchez-Gordon	74	735
Hon. Yvette M. Palazuelos	28	318			
Hon. Barbara Scheper	30	400			
Hon. Mary H. Strobel	32	406	Hon. Emilie H. Elias	324	CCW
Hon. Maureen Duffy-Lewis	38	412	Hon. Elihu M. Berle*	323	CCW
Hon. Michelle R. Rosenblatt	40	414	OTHER		
Hon. Ronald M. Sohigian	41	417			
Hon. Holly E. Kendig	42	416			
Hon. Mel Red Recana	45	529			
Hon. Debra Katz Weintraub	47	507			
Hon. Elizabeth Allen White	48	506			
Hon. Deirdre Hill	49	509			
Hon. John L. Segal	50	508			
Hon. Abraham Khan	51	511			
Hon. Susan Bryant-Deason	52	510			
Hon. Steven J. Kleifield	53	513			
Hon. Ernest M. Hiroshige	54	512			
Hon. Malcolm H. Mackey	55	515			

***Complex**

All cases designated as complex (other than class actions) are initially assigned to Judge Elihu M. Berle in Department 323 of the Central Civil West Courthouse (600 S. Commonwealth Ave., Los Angeles 90005). This assignment is for the purpose of assessing whether or not the case is complex within the meaning of California Rules of Court, rule 3.400. Depending on the outcome of that assessment, the case may be reassigned to one of the judges of the Complex Litigation Program or reassigned randomly to a court in the Central District.

Given to the Plaintiff/Cross-Complainant/Attorney of Record on **JOHN A. CLARKE**, Executive Officer/Clerk

LACIV CCH 190 (Rev. 01/12)
 LASC Approved 05-06
 For Optional Use

NOTICE OF CASE ASSIGNMENT -
UNLIMITED CIVIL CASE

Page 1 of 2

Exhibit A
 Page 42

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 07/30/13

DEPT. 12

HONORABLE BARBARA A. MEIERS

JUDGE

B. BAKER

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

Reporter

BC515789

Plaintiff

Counsel

ELVIAR ANTENOR

NO APPEARANCE

Defendant

VS

Counsel

SSC TARZANA OPERATING COMPANY L
ET AL

NATURE OF PROCEEDINGS:

PLAINTIFF ANTENOR'S PEREMPTORY CHALLENGE
AGAINST THE HONORABLE BARBARA A MEIERS,
DEPARTMENT 12.

The Court reviews ANTENOR'S
Peremptory Challenge filed with the Court on
7/30/13 pursuant to Section 170.6
of the Code of Civil Procedure and finds that the
document was filed timely.

All future dates in this department are advanced
and vacated.

Upon direction from Department 1, the above matter
is reassigned from JUDGE BARBARA A MEIERS,
Department 12 to JUDGE SUZANNE G BRUGUERA,
Department 71.

If any appearing party has not yet exercised a
peremptory challenge under Section 170.6 CCP,
peremptory challenges by them to the newly assigned
judge must be timely filed within the 15 day period
specified in Section 170.6 CCP, with extensions of
time pursuant to Section 1013 CCP if service is by
mail. Previously non-appearing parties, if any, have
a 15 day statutory period from first appearance to
file a peremptory challenge (68616(1) Govt. Code).

Moving party to give notice.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 07/30/13

DEPT. 12

HONORABLE BARBARA A. MEIERS

JUDGE B. BAKER

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

Reporter

BC515789

Plaintiff
Counsel

ELVIAR ANTENOR

NO APPEARANCE

VS

Defendant
CounselSSC TARZANA OPERATING COMPANY L
ET AL

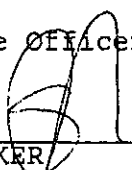
NATURE OF PROCEEDINGS:

CERTIFICATE OF SERVICE/
NOTICE OF ENTRY OF ORDER

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Entry of the above minute order upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Date: 8/1/13

John A. Clarke, Executive Officer/Clerk

By: 
BETTINA M BAKERJML LAW
5941 VARIEL AVENUE
WOODLANDS HILLS CA 91367

VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

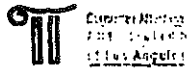


Superior Court of California
County of Los Angeles



Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



Consumer Attorneys
Association of Los Angeles



Southern California
Defense Counsel



Association of
Business Trial Lawyers



California Employment
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions in Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.

◆ Los Angeles County Bar Association Litigation Section ◆

◆ Los Angeles County Bar Association
Labor and Employment Law Section ◆

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Counsel ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION – EARLY ORGANIZATIONAL MEETING			CASE NUMBER:

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, to *discuss and consider whether there can be agreement on the following*:
 - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
 - b. Initial mutual exchanges of documents at the "core" of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered "core." In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered "core.");
 - c. Exchange of names and contact information of witnesses;
 - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
 - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
 - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
 - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

SHORT TITLE:	CASE NUMBER:
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discussed in the "Alternative Dispute Resolution (ADR) Information Package" served with the complaint;

- h. Computation of damages, including documents not privileged or protected from disclosure, on which such computation is based;
 - i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at www.lasuperiorcourt.org under "Civil" and then under "General Information").
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ for the complaint, and _____ for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68616(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation.
(INSERT DATE) (INSERT DATE)
 3. The parties will prepare a joint report titled "Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties' efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
 4. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day

The following parties stipulate:

Date:	_____	>	_____
	(TYPE OR PRINT NAME)		(ATTORNEY FOR PLAINTIFF)
Date:	_____	>	_____
	(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date:	_____	>	_____
	(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date:	_____	>	_____
	(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date:	_____	>	_____
	(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)
Date:	_____	>	_____
	(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)
Date:	_____	>	_____
	(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
STIPULATION – DISCOVERY RESOLUTION			

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
 - a. The party requesting the Informal Discovery Conference will:
 - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
 - ii. Include a brief summary of the dispute and specify the relief requested; and
 - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
 - b. Any Answer to a Request for Informal Discovery Conference must:
 - i. Also be filed on the approved form (copy attached);
 - ii. Include a brief summary of why the requested relief should be denied;

SHORT TITLE:	CASE NUMBER:
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- iii. Be filed within two (2) court days of receipt of the Request; and
 - iv. Be served on the opposing party pursuant to any authorized or agreed upon method of service that ensures that the opposing party receives the Answer no later than the next court day following the filing.
- c. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
 - d. If the Court has not granted or denied the Request for Informal Discovery Conference within ten (10) days following the filing of the Request, then it shall be deemed to have been denied. If the Court acts on the Request, the parties will be notified whether the Request for Informal Discovery Conference has been granted or denied and, if granted, the date and time of the Informal Discovery Conference, which must be within twenty (20) days of the filing of the Request for Informal Discovery Conference.
 - e. If the conference is not held within twenty (20) days of the filing of the Request for Informal Discovery Conference, unless extended by agreement of the parties and the Court, then the Request for the Informal Discovery Conference shall be deemed to have been denied at that time.
4. If (a) the Court has denied a conference or (b) one of the time deadlines above has expired without the Court having acted or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
 5. The parties hereby further agree that the time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request for Informal Discovery Conference until (a) the request is denied or deemed denied or (b) twenty (20) days after the filing of the Request for Informal Discovery Conference, whichever is earlier, unless extended by Order of the Court.
- It is the understanding and intent of the parties that this stipulation shall, for each discovery dispute to which it applies, constitute a writing memorializing a "specific later date to which the propounding [or demanding or requesting] party and the responding party have agreed in writing," within the meaning of Code Civil Procedure sections 2030.300(c), 2031.320(c), and 2033.290(c).
6. Nothing herein will preclude any party from applying *ex parte* for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
 7. Any party may terminate this stipulation by giving twenty-one (21) days notice of intent to terminate the stipulation.
 8. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

➤

(ATTORNEY FOR PLAINTIFF)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER
INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)			

- This document relates to:
 - ☐ Request for Informal Discovery Conference
 - ☐ Answer to Request for Informal Discovery Conference
- Deadline for Court to decide on Request: _____ (insert date 10 calendar days following filing of the Request).
- Deadline for Court to hold Informal Discovery Conference: _____ (insert date 20 calendar days following filing of the Request).
- For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION AND ORDER – MOTIONS IN LIMINE			CASE NUMBER

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

The parties agree that:

1. At least ____ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
 - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
 - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:		>	
	(TYPE OR PRINT NAME)		(ATTORNEY FOR PLAINTIFF)
Date:		>	
	(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date:		>	
	(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date:		>	
	(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date:		>	
	(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)
Date:		>	
	(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)
Date:		>	
	(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)

THE COURT SO ORDERS.

Date: _____

JUDICIAL OFFICER

MC-040

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Joseph M. Lovretovich; Ellen E. Cohen; Tiffany Lee; 73403; 258131; 281110 JML LAW, A Professional Law Corporation 21052 Oxnard Street Woodland Hills, CA 91367 TELEPHONE NO.: (818)610-8800 FAX NO. (Optional): (818)610-3030 E-MAIL ADDRESS (Optional): jml@jmlaw.com ATTORNEY FOR (Name): ELVIAR ANTENOR	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: CENTRAL	
PLAINTIFF/PETITIONER: ELVIAR ANTENOR DEFENDANT/RESPONDENT: SSC TARZANA OPERATING COMPANY, et al.	CASE NUMBER: BC515789 JUDICIAL OFFICER: Hon. Suzanne G. Bruguera
NOTICE OF CHANGE OF ADDRESS OR OTHER CONTACT INFORMATION	DEPT.: 71

1. Please take notice that, as of (date): September 16, 2013

☐ the following self-represented party or☒ the attorney for:

- a. ☒ plaintiff (name): ELVIAR ANTENOR
- b. ☐ defendant (name):
- c. ☐ petitioner (name):
- d. ☐ respondent (name):
- e. ☐ other (describe):

has changed his or her address for service of notices and documents or other contact information in the above-captioned action.

☐ A list of additional parties represented is provided in Attachment 1.

2. The new address or other contact information for (name): JML LAW, A Professional Law Corporation

is as follows:

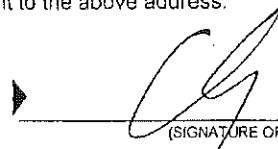
- a. Street: 21052 Oxnard Street
- b. City: Woodland Hills
- c. Mailing address (if different from above):
- d. State and zip code: CA 91367
- e. Telephone number: (818) 610-8800
- f. Fax number (if available): (818)610-3030
- g. E-mail address (if available): jml@jmlaw.com

3. All notices and documents regarding the action should be sent to the above address.

Date: September 16, 2013

Joseph M. Lovretovich; Ellen E. Cohen; Tiffany Lee

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

Page 1 of 2

PROOF OF SERVICE
1013a (3) CCP Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is, 21052 Oxnard Street, Woodland Hills, CA 91367.

On Tuesday, September 17, 2013, I served the foregoing document described as **COA** on the interested parties in this action by placing true copies thereof enclosed in a sealed envelope, addressed as follows:

Dawn Knepper, Esq.
Ogletree Deakins
695 Town Center Drive,
Suite 1500
Costa Mesa, CA 92626

☒ By mail, I deposited such envelope(s) in the mail at Woodland Hills, California, with postage thereon fully prepaid.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Woodland Hills, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

☐ By facsimile, I transmitted such documents from Woodland Hills, California, to the offices of the addressee(s).

☐ By personal service, I delivered such envelope(s) by hand to the office(s) of the addressee(s).

☒ (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☐ (Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.

Executed on Tuesday, September 17, 2013, at Woodland Hills, California.


Tad Kuchar

JML LAW
A Professional Law Corporation
21052 OXNARD STREET
WOODLAND HILLS, CA 91367
(818) 610-8800

COPY

CONFORMED COPY
ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

OCT 03 2013

John A. Clarke, Executive Officer/Clerk
By Amber Hayes, Deputy

Dawn M. Knepper, CA Bar No. 208862
dawn.knepper@ogletreedeakins.com
John P. Migliarini, CA Bar No. 266920
john.migliarini@ogletreedeakins.com
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
Park Tower, Suite 1500
695 Town Center Drive
Costa Mesa, CA 92626
Telephone: 714.800.7900
Facsimile: 714.754.1298

Attorneys for Defendant SSC TARZANA OPERATING
COMPANY LP d/b/a TARZANA REHABILITATION CENTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

CENTRAL DIVISION

ELVIAR ANTENOR, an individual,

Plaintiff,

vs.

SSC TARZANA OPERATING COMPANY
LP d/b/a SAVA SENIOR CARE, TARZANA
REHABILITATION CENTER, a Delaware
Corporation; and DOES 1 through 100,
inclusive.

Defendants.

Case No. BC515789

[Assigned for all purposes to The Honorable
Suzanne G. Bruguera, Dept. 71]

**PEREMPTORY CHALLENGE BY
DEFENDANT SSC TARZANA
OPERATING COMPANY LP d/b/a
TARZANA REHABILITATION CENTER
PURSUANT TO CODE OF CIVIL
PROCEDURE SECTION 170.6;
DECLARATION OF JOHN P.
MIGLIARINI IN SUPPORT**

Action Filed: July 19, 2013
Trial Date: None Set

Defendant SSC TARZANA OPERATING COMPANY LP d/b/a TARZANA
REHABILITATION CENTER ("Defendant") moves this Court for an Order disqualifying Judge
Suzanne G. Bruguera from hearing the above-entitled action. This Motion is made pursuant to
California Code of Civil Procedure Section 170.6 on the grounds that Defendant believes that
Judge Bruguera may be prejudiced against Defendant, or the interests of Defendant, or
Defendant's counsel. Thus, a fair and impartial hearing cannot be had in this matter. This

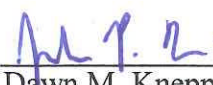
16110571_1.docx

BY FAX

1 Motion is based on the matters stated herein, the supporting Declaration of John P. Migliarini
2 attached hereto, and such oral and documentary evidence as may be relevant to this Motion.

3
4 DATED: October 3, 2013

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

5
6
7 By: 
8 Dawn M. Knepper
John P. Migliarini

9 Attorneys for Defendant SSC TARZANA
10 OPERATING COMPANY LP d/b/a
11 TARZANA REHABILITATION CENTER
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DECLARATION OF JOHN P. MIGLIARINI

I, John P. Migliarini, declare as follows:

1. I am an attorney licensed to practice before all courts of the State of California.

2. I am an associate with Ogletree, Deakins, Nash, Stewart, & Smoak, P.C., attorneys of record for Defendant SSC Tarzana Operating Company LP d/b/a Tarzana Rehabilitation Center ("Defendant").

3. I have personal knowledge of the matters set forth in this Declaration, and if called to testify, I would and could testify competently thereto.

4. I submit this Declaration in support of Defendant's Motion for an Order disqualifying Judge Suzanne G. Bruguera from presiding over this action pursuant to California Code of Civil Procedure Section 170.6.

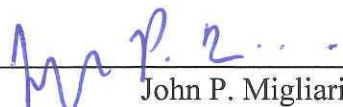
5. I have information that leads me to believe that Judge Bruguera may be prejudiced against Defendants, their interests, and/or their attorneys. Therefore, I do not believe that Defendants could have fair and impartial proceedings before Judge Bruguera.

6. This peremptory challenge is timely under California *Code of Civil Procedure* section 170.6(a)(2) in that this challenge is being made within 15 days of Defendant's general appearance in this action.

7. Judge Bruguera has not yet ruled on any contested issue of law or fact in this action.

8. Accordingly, Defendant requests that Judge Bruguera be disqualified under Section 170.6 of the Code of Civil Procedure from presiding over this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This Declaration is executed this 3rd day of October 2013, at Costa Mesa, California.


John P. Migliarini

PROOF OF SERVICE
Case No. BC515789

I am and was at all times herein mentioned over the age of 18 years and not a party to the action in which this service is made. At all times herein mentioned I have been employed in the County of Orange in the office of a member of the bar of this court at whose direction the service was made. My business address is Park Tower, Suite 1500, 695 Town Center Drive, Costa Mesa, CA 92626.

On October 3, 2013, I served the following document(s):

**PEREMPTORY CHALLENGE BY
DEFENDANT SSC TARZANA OPERATING COMPANY LP d/b/a TARZANA
REHABILITATION CENTER PURSUANT TO CODE OF CIVIL PROCEDURE
SECTION 170.6; DECLARATION OF JOHN P. MIGLIARINI IN SUPPORT**

by placing ☐ (the original) ☒ (a true copy thereof) in a sealed envelope addressed as stated on the attached service list.

- ☒ **BY MAIL:** I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.'s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- ☐ **BY HAND:** By placing the documents in an envelope or package addressed to the persons listed below and providing them to a professional messenger service for delivery.
- ☐ **BY OVERNIGHT DELIVERY:** I placed the sealed envelope(s) or package(s) designated by the express service carrier for collection and overnight delivery by following the ordinary business practices of Ogletree, Deakins, Nash, Smoak & Stewart P.C., Costa Mesa, California. I am readily familiar with Ogletree, Deakins, Nash, Smoak & Stewart P.C.'s practice for collecting and processing of correspondence for overnight delivery, said practice being that, in the ordinary course of business, correspondence for overnight delivery is deposited with delivery fees paid or provided for at the carrier's express service offices for next-day delivery.
- ☐ **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the person[s] at the e-mail addresses listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- ☒ **(State)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 3, 2013, at Costa Mesa, California.

Karly Kolisch
Type or Print Name


Signature

16110571_1.docx

SERVICE LIST

Joseph M. Lovretovich, Esq.
Ellen E. Cohen, Esq.
Tiffany Lee, Esq.
JML Law
21052 Oxnard Street
Woodland Hills, CA 91367
TEL: (818) 610-8800
FAX: (818) 610-3030

Attorneys for Plaintiff
ELVIAR ANTENOR

16110571.1

16110571_1.docx

EXHIBIT B

TO (insert name of party being served): SSC Tarzana Operating Company LP

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing:

Tad A. Kuchar

(TYPE OR PRINT NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

This acknowledges receipt of (to be completed by sender before mailing):

1. ☒ A copy of the summons and of the complaint.
2. ☒ Other (specify):

Civil Case Cover Sheet; Notice of Case Reassignment; ADR Information; Civil Case Cover Sheet Addendum

(To be completed by recipient):

Date this form is signed:

Dawn M. Knepper on behalf of

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,
ON WHOSE BEHALF THIS FORM IS SIGNED)

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

SSC Tarzana Operating Company LP

EXHIBIT C

00/00/2013 12:19:27 FAX 2132499990

NATIONWIDE LEGAL

COPY**CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court****OCT 02 2013****John A. Clarke, Executive Officer/Clerk
By SHAUNNA WESLEY Deputy**

1 Dawn M. Knepper, CA Bar No. 208862
dawn.knepper@ogletreedeakins.com
2 John P. Migliarini, CA Bar No. 266920
john.migliarini@ogletreedeakins.com
3 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
Park Tower, Suite 1500
4 695 Town Center Drive
Costa Mesa, CA 92626
5 Telephone: 714.800.7900
Facsimile: 714.754.1298

6
7 Attorneys for Defendant SSC TARZANA OPERATING
COMPANY LP d/b/a TARZANA REHABILITATION CENTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA**FOR THE COUNTY OF LOS ANGELES****CENTRAL DIVISION**

11 ELVIAR ANTENOR, an individual,

12 Plaintiff,

13 vs.

14 SSC TARZANA OPERATING COMPANY
LP d/b/a SAVA SENIOR CARE, TARZANA
15 REHABILITATION CENTER, a Delaware
Corporation; and DOES 1 through 100,
16 inclusive.

17 Defendants.

Case No. BC515789

[Assigned for all purposes to The Honorable
Suzanne G. Bruguera, Dept. 71]

**DEFENDANT'S ANSWER TO
PLAINTIFF'S COMPLAINT**

Action Filed: July 19, 2013
Trial Date: None Set

TO PLAINTIFF ELVIAR ANTENOR AND HER ATTORNEYS OF RECORD:

21 Defendant SSC TARZANA OPERATING COMPANY LP (incorrectly named as SSC
22 TARZANA OPERATING COMPANY LP d/b/a SAVA SENIOR CARE, TARZANA
23 REHABILITATION CENTER) ("Defendant"), hereby responds to the unverified Complaint
24 ("Complaint") filed by plaintiff ELVIAR ANTENOR ("Plaintiff") as follows:

25 ///

26 ///

27 ///

28 ///

16035500_1.doc

Case No. BC515789

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT**BY FAX**

GENERAL AND SPECIFIC DENIALS

Pursuant to the provisions of *Code of Civil Procedure* section 431.30(d), Defendant denies, generally and specifically, each and every allegation contained in the Complaint filed herein by Plaintiff. Defendant denies, generally and specifically, that Plaintiff has been damaged in any sum, or at all, by reason of any act or omission on the part of Defendant, or by any act or omission by any agent or employee of Defendant. Defendant further denies, generally and specifically, that Plaintiff is entitled to any relief whatsoever.

Additionally, Defendant asserts the following affirmative defenses and prays for judgment as set forth below:

AFFIRMATIVE DEFENSES

Without waiving the foregoing, Defendant asserts the following separate and distinct affirmative defenses to Plaintiff's Complaint and each purported cause of action therein and prays for judgment as set forth below.

Defendant also hereby gives notice that it intends to rely upon such other and further affirmative defenses as may become available during investigation and discovery in this action. Defendant reserves the right to amend this Answer to assert any such defenses based on such investigation and discovery.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Cause of Action)

1. Defendant alleges that the Complaint, and each cause of action alleged therein, fails to state facts sufficient to constitute a cause of action upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

(Statutes of Limitations)

2. Defendant alleges that the causes of action stated in the Complaint are barred by the applicable statutes of limitations, including, but not limited to: *California Government Code* sections 12960(d) and 12965(b); *California Code of Civil Procedure* sections 203, 335.1, 337, 338, 339, 340(a), and 343; *California Business and Professions Code* section 17208; 29 U.S.C. § 2617(c).

1 **THIRD AFFIRMATIVE DEFENSE**

2 **(Failure to Exhaust Administrative Remedies)**

3 3. Defendant alleges that the causes of action stated in the Complaint are barred, in
4 whole or in part, to the extent that Plaintiff failed to timely exhaust her administrative remedies.

5 **FOURTH AFFIRMATIVE DEFENSE**

6 **(Avoidable Consequences — No Damages)**

7 4. Defendant alleges that Plaintiff's prayers for general damages, compensatory
8 damages, special damages and punitive damages regarding each cause of action stated in the
9 Complaint are barred under California law by the doctrine of avoidable consequences, as set forth
10 in *State Department of Health Services v. Superior Court (McGinnis)* (2003) 31 Cal.4th 1026, on
11 the grounds that Plaintiff unreasonably failed to make use of Defendant's complaint procedures,
12 and Plaintiff's alleged damages could have been avoided in whole or in part by reasonable use of
13 these procedures.

14 **FIFTH AFFIRMATIVE DEFENSE**

15 **(Failure to Mitigate Damages)**

16 5. Defendant alleges that Plaintiff failed, and continues to fail, to mitigate by the
17 exercise of reasonable effort and/or care any damages allegedly caused to her by the acts in
18 which Defendant allegedly engaged.

19 **SIXTH AFFIRMATIVE DEFENSE**

20 **(At-Will Employment)**

21 6. Defendant alleges that the causes of action stated in the Complaint are barred, in
22 whole or in part, because Plaintiff's employment status was for no specific term and therefore
23 terminable at-will pursuant to California *Labor Code* Section 2922.

24 **SEVENTH AFFIRMATIVE DEFENSE**

25 **(Good Faith Belief)**

26 7. Defendant alleges that the causes of action stated in the Complaint are barred, in
27 whole or in part, because any decisions made by Defendant with respect to Plaintiff's work status
28 were reasonably based on the facts as Defendant understood them.

EIGHTH AFFIRMATIVE DEFENSE**(Unclean Hands)**

8. Defendant alleges that the causes of action stated in the Complaint are barred, in whole or in part, pursuant to the doctrine of “unclean hands” to the extent that Plaintiff engaged in conduct which proximately caused or contributed to any and all injuries Plaintiff allegedly suffered.

NINTH AFFIRMATIVE DEFENSE**(Laches and Waiver)**

9. Defendant alleges that the causes of action stated in the Complaint are barred, in whole or in part, by the doctrines of laches and waiver.

TENTH AFFIRMATIVE DEFENSE**(Estoppel)**

10. Defendant alleges that the causes of action stated in the Complaint are barred, in whole or in part, by the doctrine of estoppel.

ELEVENTH AFFIRMATIVE DEFENSE**(Facts Alleged Insufficient to Support Claim for Punitive Damages)**

11. Defendant alleges that Plaintiff is not entitled to recover punitive damages because Plaintiff has failed to allege facts sufficient to state a claim for punitive damages or to show that Defendant engaged in oppressive, fraudulent or malicious conduct.

TWELFTH AFFIRMATIVE DEFENSE**(Punitive Damages Violate Procedural and Substantive Due Process)**

12. Defendant alleges that Plaintiff is not entitled to recover any punitive damages as prayed for in the Complaint on the grounds that any award of punitive or exemplary damages under California law as applied to the facts of this specific action would violate Defendant’s constitutional rights under provisions of the United States and California Constitutions, including, but not limited to, the due process clauses of the Fifth, Eighth and Fourteenth Amendments of the United States Constitution.

///

THIRTEENTH AFFIRMATIVE DEFENSE**(Exclusivity of Workers' Compensation Act)**

13. Defendant alleges that the causes of action stated in the Complaint are barred, in whole or in part, by the exclusivity provisions of the California Workers' Compensation Act, *Labor Code* Section 3600, *et seq.*

FOURTEENTH AFFIRMATIVE DEFENSE**(After-Acquired Evidence Doctrine)**

14. Defendant alleges that the causes of action stated in the Complaint are barred, in whole or in part, by the after-acquired evidence doctrine.

FIFTEENTH AFFIRMATIVE DEFENSE**(Business and Professions Code § 17200)**

15. Defendant alleges that Plaintiff's claim under the *Business and Professions Code* is barred, in whole or in part, by the damages limitation set forth in California *Business and Professions Code* section 17200.

SIXTEENTH AFFIRMATIVE DEFENSE**(De Minimis)**

16. Defendant alleges that Plaintiff's claims for relief based on any violation of California's *Labor Code* and/or wage and hour laws are barred on the grounds that any such violations were *de minimis*, and ignoring the *de minimis* violation of the law, if any, Defendant complied with its obligations under the California *Labor Code* and/or wage and hour law.

SEVENTEENTH AFFIRMATIVE DEFENSE**(Good Faith Dispute)**

17. Defendant alleges that Plaintiff's claims for waiting time penalties under California *Labor Code* section 203 should be denied because a good faith dispute exists as to whether any wages are due.

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EIGHTEENTH AFFIRMATIVE DEFENSE**(Lacks Standing)**

18. Defendant alleges that Plaintiff lacks standing to bring this Complaint because, pursuant to Section 17200 of the *Business & Professions* Code, Plaintiff did not suffer any injury in fact, and has not lost money or property as a result of alleged unfair competition by Defendant.

NINETEENTH AFFIRMATIVE DEFENSE**(Waiver of Meal and Rest Periods)**

19. Defendant alleges that Plaintiff's claims are barred, in whole or in part, by her waiver of the right to meal and/or rest breaks in accordance with applicable law.

TWENTIETH AFFIRMATIVE DEFENSE**(Interactive Process)**

20. Defendant alleges that Plaintiff's purported cause of action based on failure to engage in the interactive process fails as Plaintiff did not request any accommodations for any disability and, to the extent that any such requests were made, any breakdown in the interactive process was caused by Plaintiff.

TWENTY-FIRST AFFIRMATIVE DEFENSE**(Undue Hardship)**

21. Defendant alleges that the causes of action stated in the Complaint are barred, in whole or in part, to the extent that Plaintiff's alleged disability could not have been accommodated without imposing an undue hardship upon Defendant.

TWENTY-SECOND AFFIRMATIVE DEFENSE**(Bona Fide Qualification)**

22. Defendant alleges that Plaintiff's purported causes of action are barred, in whole or in part, to the extent that Defendant's alleged discriminatory practice is justified as Plaintiff is unable to safely and efficiently perform the job in question and because the essence of the business operation would otherwise be undermined.

///

TWENTY-THIRD AFFIRMATIVE DEFENSE**(Health and Safety of Plaintiff and/or Others)**

23. Defendant alleges that Plaintiff's causes of action are barred, in whole or in part, to the extent that Plaintiff was unable to perform an essential duty without endangering her health or the safety of others, even with reasonable accommodations.

TWENTY-FOURTH AFFIRMATIVE DEFENSE**(Outside Scope of Employment)**

24. Defendant alleges that the causes of action stated in the Complaint are barred, in whole or in part, because, if the alleged conduct occurred, it occurred outside the normal course and scope of employment of Defendant's agents or employees, if any, and was not authorized or ratified by Defendant.

TWENTY-FIFTH AFFIRMATIVE DEFENSE**(Third Party Liability)**

25. Defendant alleges that any alleged emotional, mental and/or physical injury suffered by Plaintiff was proximately caused in whole or in part by the acts and/or omissions of persons and entities other than Defendant, including the acts and omissions of Plaintiff herself.

TWENTY-SIXTH AFFIRMATIVE DEFENSE**(Comparative Fault)**

26. Defendant alleges that any damages allegedly suffered by Plaintiff were directly and proximately caused and/or contributed to by Plaintiff's own negligence and comparative fault, or the negligence and fault of other persons and entities and therefore any recovery by Plaintiff against Defendant should be offset, diminished and reduced in accord with the principles of comparative fault.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE**(Appropriate Remedial Action)**

27. Defendant alleges that the causes of action stated in the Complaint are barred, in whole or in part, as Defendant took all reasonable steps to prevent any alleged retaliation once

1 Defendant was made aware of Plaintiff's complaint(s), if Plaintiff in fact complained. *Wellpoint*
 2 *Health Networks v. Superior Court* (1997) 59 Cal. App. 4th 110.

3 **TWENTY-EIGHTH AFFIRMATIVE DEFENSE**

4 **(Lack of Knowledge as to Retaliation)**

5 28. Defendant alleges that the causes of action stated in the Complaint are barred, in
 6 whole or in part, as Defendant had no knowledge that Plaintiff was subject to retaliation as
 7 alleged in the complaint. *Wellpoint Health Networks v. Superior Court* (1997) 59 Cal. App. 4th
 8 110.

9 **TWENTY-NINTH AFFIRMATIVE DEFENSE**

10 **(No Greater Rights)**

11 29. Defendant alleges that the causes of action stated in the Complaint are barred, in
 12 whole or in part, as Plaintiff possessed no greater rights than if she had been continuously
 13 employed during the CFRA leave period.

14 **THIRTIETH AFFIRMATIVE DEFENSE**

15 **(Legitimate Business Reason)**

16 30. Defendant alleges that any recovery on the Complaint is barred in whole or in part
 17 on grounds that any actions taken by Defendants were reasonable in response to legitimate
 18 business necessities, and were taken for legitimate nondiscriminatory and/or non-retaliatory
 19 reasons.

20 **THIRTY-FIRST AFFIRMATIVE DEFENSE**

21 **(Lack of Knowledge of Alleged Disability/Medical Condition)**

22 31. Defendant alleges that Plaintiff's causes of action based on disability discrimination
 23 are barred because Defendants had no knowledge of any alleged disability.

24 **THIRTY-SECOND AFFIRMATIVE DEFENSE**

25 **(Absence of Proximate Cause)**

26 32. Defendant alleges that the causes of action stated in the Complaint are barred, in
 27 whole or in part, by the absence of proximate cause between Defendants' alleged acts and/or
 28 omissions and Plaintiff's alleged losses or injuries.

THIRTY-THIRD AFFIRMATIVE DEFENSE**(Mixed Motive)**

33. Defendant alleges that Plaintiff's purported causes of action are barred because by the mixed motive affirmative defense.

THIRTY-FOURTH AFFIRMATIVE DEFENSE**(Arbitration)**

34. Defendant alleges Plaintiff is required to arbitrate the claims raised in the Complaint, pursuant to an enforceable arbitration agreement that she signed with Defendant.

THIRTY-FIFTH AFFIRMATIVE DEFENSE**(No Punitive Damages Against Corporate Defendant)**

35. Plaintiff is not entitled to recover punitive or exemplary damages for the alleged acts referred to in the Complaint on the grounds that said acts, if any, were performed by an employee or employees of Defendant and that none of Defendant's officers, directors or managing agents committed the alleged acts, nor authorized them, nor ratified them, nor did Defendant or its officers, directors or managing agents have advance knowledge of the unfitness, if any, of the employee or employees who allegedly committed said acts, nor did Defendant employ said employee(s) with a conscious disregard of the rights or safety of others. California Civ. Code section 3294.

THIRTY-SIXTH AFFIRMATIVE DEFENSE**(Injunctive Relief Improper)**

36. Plaintiff is not entitled to injunctive relief because Defendant did not intentionally engage in any unlawful conduct and, in any event, Defendant's conduct with respect to Plaintiff was privileged, justified, in good faith, and without improper motive, malice, purpose, means or intent.

WHEREFORE, Defendant prays as follows:

1. For entry of judgment in favor of Defendant and against Plaintiff;
2. That Plaintiff take nothing by way of her Complaint;
3. That Defendant be awarded costs of suit herein;

- 1 4. That Defendant be awarded actual attorney fees incurred in defending this suit;
2 and
3 5. For such other and further relief as this Court may deem just and proper.
4

5 DATED: October 2, 2013

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

6
7
8 By: 

Dawn M. Knepper

John P. Migliarini

Attorneys for Defendant,

SSC TARZANA OPERATING COMPANY LP

d/b/a TARZANA REHABILITATION
CENTER
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PROOF OF SERVICE

Case No. BC515789

I am and was at all times herein mentioned over the age of 18 years and not a party to the action in which this service is made. At all times herein mentioned I have been employed in the County of Orange in the office of a member of the bar of this court at whose direction the service was made. My business address is Park Tower, Suite 1500, 695 Town Center Drive, Costa Mesa, CA 92626.

On October 2, 2013, I served the following document(s):

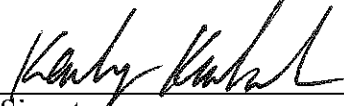
DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

by placing ☐ (the original) ☒ (a true copy thereof) in a sealed envelope addressed as stated on the attached service list.

- ☒ **BY MAIL:** I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.'s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- ☐ **BY HAND:** By placing the documents in an envelope or package addressed to the persons listed below and providing them to a professional messenger service for delivery.
- ☐ **BY OVERNIGHT DELIVERY:** I placed the sealed envelope(s) or package(s) designated by the express service carrier for collection and overnight delivery by following the ordinary business practices of Ogletree, Deakins, Nash, Smoak & Stewart P.C., Costa Mesa, California. I am readily familiar with Ogletree, Deakins, Nash, Smoak & Stewart P.C.'s practice for collecting and processing of correspondence for overnight delivery, said practice being that, in the ordinary course of business, correspondence for overnight delivery is deposited with delivery fees paid or provided for at the carrier's express service offices for next-day delivery.
- ☐ **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the person[s] at the e-mail addresses listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- ☒ **(State)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 2, 2013, at Costa Mesa, California.

Karly Kolisch
Type or Print Name


Signature

SERVICE LIST

Joseph M. Lovretovich, Esq.
Ellen E. Cohen, Esq.
Tiffany Lee, Esq.
JML Law
21052 Oxnard Street
Woodland Hills, CA 91367
Tel: (818) 610-8800
FAX: (818) 610-3030

Attorneys for Plaintiff
ELVIAR ANTENOR

PROOF OF SERVICE
Antenor v. SSC Tarzana, et al.
Case No.

I am and was at all times herein mentioned over the age of 18 years and not a party to the action in which this service is made. At all times herein mentioned I have been employed in the County of Orange in the office of a member of the bar of this court at whose direction the service was made. My business address is 695 Town Center Drive, Suite 1500, Costa Mesa, CA 92626.

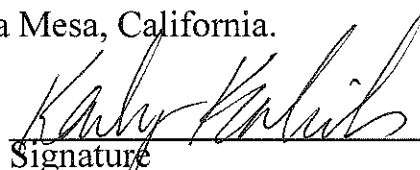
On October 3, 2013, I served the following document(s):

DEFENDANT'S NOTICE OF REMOVAL

- ☒ **BY MAIL:** I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Ogletree, Deakins, Nash, Smoak & Stewart P.C.'s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- ☐ **BY CM/ECF:** With the Clerk of the United States District Court of California, using the CM/ECF System. The Court's CM/ECF System will send an e-mail notification of the foregoing filing to the following parties and counsel of record who are registered with the Court's CM/ECF System:
- ☒ **(Federal)** I declare that I am employed in the office of a member of the State Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.
- ☐ **(Federal)** I declare that I am a **member** of the State Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on October 3, 2013, at Costa Mesa, California.

Karly Kolisch
Type or Print Name


Signature

SERVICE LIST

Joseph M. Lovretovich, Esq.
Ellen E. Cohen, Esq.
Tiffany Lee, Esq.
JML Law
21052 Oxnard Street
Woodland Hills, CA 91367
TEL: (818) 610-8800
FAX: (818) 610-3030
Attorney for Plaintiff, ELVIAR ANTENOR

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Dolly M. Gee and the assigned Magistrate Judge is Stephen J. Hillman.

The case number on all documents filed with the Court should read as follows:

2:13CV7336 DMG SHx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

October 3, 2013

Date

By J. Prado

Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:



Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012



Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701



Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

COPY

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETI. (a) PLAINTIFFS (Check box if you are representing yourself ☐)

Elviar Antenor

DEFENDANTS (Check box if you are representing yourself ☐)

SSC Tarzana Operating Company LP dba Tarzana Rehabilitation Center

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

Joseph M. Lovretovich/Ellen E. Cohen/Tiffany Lee
JML Law
21052 Oxnard Street, Woodland Hills, CA 91367
Tel: (818) 610-8800 Fax: (818) 610-3030

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

Dawn M. Knepper/John P. Migliarini
Ogletree, Deakins, Nash, Smoak & Stewart, PC
695 Town Center Drive, Suite 1500, Costa Mesa, CA 92626
Tel: (714) 800-7900 Fax: (714) 754-1298

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff
- ☒ 3. Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant
- ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

- | | | | |
|---|---|---|---|
| Citizen of This State | PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☐ 1. Original Proceeding
- ☒ 2. Removed from State Court
- ☐ 3. Remanded from Appellate Court
- ☐ 4. Reinstated or Reopened
- ☐ 5. Transferred from Another District (Specify)
- ☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 U.S.C. § 1441 & 1446

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	PERSONAL PROPERTY	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Exc. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RS (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury Med Malpractice	<input type="checkbox"/> 441 Voting	LABOR	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input checked="" type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

CV13-7336

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court?	STATE CASE WAS PENDING IN THE COUNTY OF:	INITIAL DIVISION IN CACD IS:
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<input checked="" type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action?	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims?	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D <p style="text-align: center;">Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. ➡</p>	C.2. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C <p style="text-align: center;">Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓</p>
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: ➡	WESTERN

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

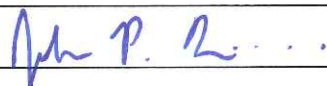
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT):



DATE: October 3, 2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

PROOF OF SERVICE
Antenor v. SSC Tarzana, et al.
Case No.

I am and was at all times herein mentioned over the age of 18 years and not a party to the action in which this service is made. At all times herein mentioned I have been employed in the County of Orange in the office of a member of the bar of this court at whose direction the service was made. My business address is 695 Town Center Drive, Suite 1500, Costa Mesa, CA 92626.

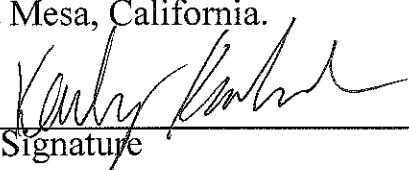
On October 3, 2013, I served the following document(s):

CIVIL CASE COVER SHEET

- ☒ **BY MAIL:** I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Ogletree, Deakins, Nash, Smoak & Stewart P.C.'s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- ☐ **BY CM/ECF:** With the Clerk of the United States District Court of California, using the CM/ECF System. The Court's CM/ECF System will send an e-mail notification of the foregoing filing to the following parties and counsel of record who are registered with the Court's CM/ECF System:
- ☒ **(Federal)** I declare that I am employed in the office of a member of the State Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.
- ☐ **(Federal)** I declare that I am a **member** of the State Bar of this Court. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on October 3, 2013, at Costa Mesa, California.

Karly Kolisch
Type or Print Name


Signature

SERVICE LIST

Joseph M. Lovretovich, Esq.
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